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Dene Treaties, Anthropology and Colonial Relationships

by

Shirleen Smith

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Doctor of Philosophy

Department of Anthropology

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled *Dene Treaties, Anthropology and Colonial Relationships* submitted by Shirleen Smith in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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Dedication

To

Harry Webster Smith

(1909–1990)

and

Frances Ann Smith

Abstract

Two areas of investigation are central to this thesis. The first is the ethnographies of Slavey, or, in this study, Dene living in the Deh Cho region of the Northwest Territories, based on studies conducted between 1940 and 1970. Utilizing theoretical frameworks such as cultural ecology and acculturation theory, definitive ethnographies generally portrayed Dene as adaptive and flexible hunting and gathering peoples for whom economy was paramount and determinative of other aspects of Dene culture. Cultural attributes such as Dene political organization were depicted as less developed, and Dene treaties were either ignored or it was assumed that the official written treaty documents of Treaties 8 and 11 were correct and unproblematic.

The second area of research contradicts the ethnographic descriptions of Deh Cho Dene. From Deh Cho Dene oral history of their treaties with Canada, their culture is not preoccupied with economic matters to the exclusion of, for example, political organization. Their oral history of their treaties reveals a detailed understanding of the implications of the treaties as international agreements intended to establish a relationship between their people and Canada. Furthermore, there is considerable support for Deh Cho Dene oral history of their treaties as the most accurate and complete version of the treaties.

Thus, anthropology overlooked a critically important area of Dene culture by misrepresenting it as preoccupied with economy, and anthropology needs to reexamine the theoretical constructs that resulted in this distorted view. The thesis concludes by suggesting that two areas, applied anthropology (specifically collaborative research) and theories such as mode of production analysis, may

prove useful for illuminating colonial and other power relationships and enabling a more thorough understanding of Deh Cho Dene culture.

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Errata

I would like to thank Rene Lamothe, executive coordinator of the Deh Cho First Nations Council for reviewing this dissertation and pointing out the following errors and inconsistencies. Unfortunately, I was unable to incorporate these changes in the body of the dissertation in time to meet academic deadlines:

1) Pages 85 and 89: I described the community of Ts'ueh Nda as part of Treaty 8. This is inaccurate. While the individual that I interviewed was originally from the Treaty 8 area, Ts'ueh Nda is actually part of Treaty 11.
2) Chapter 2. In this chapter, I use the term "Slavey" in summarizing the ethnographic descriptions of Deh Cho Dene. I should clarify that this is not the term Dene use to describe themselves. In the Deh Cho region, Dene have a number of names for their people, for example: Dene from Acho Kue refer to themselves as Acho Dene, and the "Mountain Dene" from Fort Norman (part of the Deh Cho First Nations Council) refer to themselves as the Begade Shotagotine. A much more detailed discussion of Dene names is warranted for future work.
3) Page 67: I state that Dene of Deh Cho are "basing their governance on the treaties negotiated between their people and the Crown in 1899 and 1921...". This is misleading. While the treaties represent the formal negotiation of the relationship between Dene and the Crown, Dene governance is based on Dene traditions and is not contingent on the treaty relationship in any way.

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Chapter 1. Introduction

> One story cannot confirm it. No. With their papers and all, when they first came to Canada and started looking around, they did not tell us. Whatever is in Canada, the government seems to know everything about it, and the government sort of stepped over the people to get at the land.
>
> (Andrew Root, Pehdzeh Ki 1993)

It has been almost 100 years since Treaty 8 was signed in 1899, and over 75 years since the signing of Treaty 11 in 1921.[1] Since then, a considerable body of literature has been produced exploring the treaty relationship, from affidavits, published works, government documents, transcripts of interviews with treaty signatories and observers, transcripts of court cases, and numerous analytical pieces[2]. Initially, it might appear that everything that could possibly be said on the subject has been, and nothing—or very little—is to be gained by more interviews with Dene elders explaining their treaties. However, given the limitation of the written versions and 'official' understanding of treaties, discussed below, Dene oral accounts are crucial to reconstructing the treaty relationship and thus the underpinnings of Canadian post-colonial identity. With the rejection of the legitimacy of concepts such as *terra nullius* as the foundation of the Crown's assertion of sovereignty, treaties form the basis of the relationship between the Crown of Canada and Indigenous peoples, and thus, it can be argued, they are integral to Canadian sovereignty. And the Treaties have yet to be honoured and implemented. On the contrary, Dene assert that the treaties have been consistently contravened, essentially from the time they were negotiated.

My interest in Dene governance developed gradually, in the main from my experiences while living and working in the bush north of Fort Good Hope with

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[1] Of the 9 Deh Cho communities participating in this study, 7 are signatories to Treaty 11 and only two, Hay River and Ts'ueh Nda, are parties to Treaty 8. Consequently, Treaty 11 will receive greater emphasis here.

[2] Literature on Treaties 8 and 11, or pertaining directly to these Treaties includes: Fumoleau (1975); RCAP's *Treaties and the Spirit of Coexistence* (Canada 1995a); Treaty document & commissioner's introduction (Canada 1926; 1957); *re Paulette's* caveat (1973); Nelson Commission (Canada 1959); *Mackenzie Valley Pipeline Inquiry* (Berger 1988); transcripts of Dene Nation assemblies; transcripts of Deh Cho assemblies; TARR research on Treaty 8, Treaty 8 research from BC, Alta, Sask (e.g., Price 1987); material from NWT archives re: Treaties 8 and 11; articles by Price and Smith (1993); Daniel (1987); Foster (1987); commentary by Helm (1973); reports for RCAP by Lamothe/Dene Nation (1993); Smith/Deh Cho (1993b, 1993c); Factfinder's report on extinguishment (Canada 1995b); and the final report of th *Royal Commission on Aboriginal Peoples* (Canada 1996).

a Hare family in the course of my Masters degree research in the mid–1980s. The focus of that study was subsistence production, the various values Dene attach to it, and a critique of policies being developed to compensate Dene for interference with their subsistence activities and way of life. That work echoed what Dene had been saying publicly for over a decade (actually much longer, as I was later to discover): the ability to control what happens on the land is crucial, not only to subsistence activities, but to the lives of the people generally. This control is all the more important for Dene efforts to protect and promote their culture and language, including their economic and political systems, within the administrative and political context of the Northwest Territories. So, from an interest in land and subsistence, and then economy, I came to realize that for these to function, political matters—such as issues of sovereignty, control and representation—were critical.

In the spring of 1992, I approached the Deh Cho Tribal Council[3], at that time representing approximately 9 Dene communities in the southwestern Northwest Territories. I found it interesting that this region had elected not to pursue a comprehensive claim[4] but instead to develop regional self-government. They were basing their governance on the treaties negotiated between their people and the Crown in 1899 and 1921, which, they said, established a relationship with Canada recognizing their sovereignty over their lands and their right to continue as a self-governing people. They were developing a system of government for their region to put into effect when the Northwest Territories splits into two territories with the creation of Nunavut in 1999. As part of this work, Deh Cho expressed interest in a cooperative research project whereby I would interview elders about the treaty relationship and, in return, have access to that and other information on governance.

---

[3] renamed the Deh Cho First Nations Council in 1994.

[4] The Canadian government has developed policies defining two types of "Aboriginal Land Claims." "Comprehensive claims ... are based on claims to aboriginal title arising from traditional use and occupancy of the land" and "specific claims" ... based on allegations that government did not fulfil specific obligations to Indians under the treaties, other agreements or the Indian Act." (Canada 1989:1). The federal government also created a policy on Aboriginal Self-Government in 1995, specifying, for example, that "Aboriginal governments will operate within the framework of the Canadian Constitution" and that the *Canadian Charter of Rights and Freedoms* will apply to Aboriginal governments (Canada 1995:3). Rather than utilizing Canadian government policies, Dene of Deh Cho are developing their own models of self-government based on their own traditions, principles and objectives.

As I had not discussed the Treaties with Dene in the course of my previous research, I began the current project with a review of the academic and archival literature on the topic. I found a dichotomy within the literature: on one hand, people like René Fumoleau (1975) described in great detail the importance of Treaties 8 and 11 to Dene, the history of their signing and subsequent attempts by Dene to have them honoured. On the other hand, the anthropological literature of the time when the 'classic ethnographies' of Dene (specifically Slavey Dene in the Northwest Territories) were being written—the 1950s to 1960s—contained very little information about the Treaties, representing them as only of minor significance to Dene, such as for the $5.00 annual Treaty payment (e.g., Helm 1961; Honigmann 1946; Osgood 1931, 1936a, 1936b; Slobodin 1962; VanStone 1965, 1974). Furthermore, from the description of Dene culture provided in these ethnographies, it was difficult to conceive of how Treaties could have been important, or even fully understood by Dene. Interestingly, the two disparate perspectives on Dene treaties came together in one source: the transcript of the 1973 *Paulette caveat* from the NWT Court (including Justice Morrow's decision), where Dene sought legal protection of their land rights in the face of development, relying on their Treaties, which they said were not land surrender agreements. The principal ethnographer of Dene in the NWT, June Helm, was called upon to testify on the subject of Dene Treaties. A part of her testimony reads:

> ...How could anybody put in the Athapaskan language through a Métis interpreter to monolingual Athapaskan hearers the concept of relinquishing ownership of land, I don't know, of people who have never conceived of a bounded property which can be transferred from one group to another. I don't know how they would be able to comprehend the import translated from English into a language which does not have those concepts, and certainly in any sense that Anglo-Saxon jurisprudence would understand. So this is an anthropological opinion and it has continued to puzzle me how any of them could possibly have understood this. I don't think they could have. That is my judgment. (testimony of June Helm in the*Paulette caveat*, Supreme Court of the Northwest Territories (1973) pp. 33-34, quoted in Daniel 1987:95)

Thus, I began interviewing Deh Cho elders in 1993 with a number of questions in mind. If the written treaty document did not represent the Treaty that was negotiated, what was the actual treaty? [See Appendix 1 for the official government version of Treaty 11] Or, to phrase it from the perspective of one party, what did Dene believe they had negotiated and what were their expectations of how the treaty should be implemented? And why was the

anthropological view of Dene and their treaties so different from that of the Dene themselves?

What I found in interviewing 67 elders from 9 Deh Cho communities was that the view of Dene treaties underlying the *Paulette caveat*, Fumoleau's book (1975), statements by the Dene Nation (e.g., 1976), testimony at the Mackenzie Valley Pipeline Inquiry (Berger 1988), and, more recently, underpinning Deh Cho self-government, all derived from the original negotiation of the Treaties, preserved by current elders in Dene oral history. That is, there is strong support suggesting the current vision of Dene regarding their treaties, land and governance rights is the most accurate version of the Treaties.

This realization raised other important questions. The first is: how was the Dene view of treaties missed, even misrepresented, in the anthropological literature? Was it a matter of ethnographers focusing on different topics, and, if so, how did alternative foci obscure Dene treaty history so completely? And, further, is there something basically faulty about the way we do anthropology that leads us to overlook such important issues? The second and broader question is: what is the Dene version of their treaties, and what sort of relationship with Canada does it establish? Or, to put it differently, what can we learn about living in relationship with other peoples from Dene treaties? These questions will be addressed in the course of this thesis.

Structure of the thesis

In the second part of this chapter, I provide a brief introduction to the Deh Cho Dene, focussing on their political relationships with Canada, followed by a brief excerpt from current anthropological thinking on the nature of northern Dene. I will begin exploring the anthropological treatment of Dene and their treaties in earnest in Chapter 2 by presenting the 'baseline' ethnographic description of the Dene, with emphasis on the 'Slavey Dene' (as anthropologists classify the people of the Deh Cho region). To summarize briefly, the classic ethnographies of northern Dene in general, such as works by Osgood in the 1930s, Honigmann in the 1940s, Helm in the early 1950s, and Slobodin and VanStone in the 1960s, stress certain attributes of Dene culture: adaptation to a challenging environment and the possibility of periodic famine, and the effect that

this adaptation and the nature of the Dene economy had on other aspects of Dene society, such as social organization (the nature of groupings such as 'local bands', 'regional bands' etc.), kinship, political organization, belief systems, and the links between culture and personality (or psychology) (Helm 1961; Honigmann 1946; Osgood 1931, 1936a, 1936b; Slobodin 1962; VanStone 1965, 1974). Here, information from archival and published documents is utilized to afford as complete a view as possible of Dene treaties, as well as the mechanism by which this history is preserved and transmitted in Dene society.

Part of this examination of the anthropological view of Dene will be to look at accounts of the significance of Dene treaties. Historical sources and Dene oral history attest to the importance of treaties to the Dene, yet seldom have these been given serious consideration in the anthropological literature. This can be accounted for in part by the different theoretical preoccupations of researchers, as mentioned above, but the question remains: if treaties have importance for Dene, how were they overlooked or given short shrift by anthropologists? And, is there a more general principle in operation concerning the role of applied anthropology versus theory building: should anthropologists be more closely heeding the concerns of the people whom they are studying? As the discipline which claims to have the prime objective of learning from and about the 'other', have anthropological studies of the Dene attended too closely to anthropological concerns and too little to issues vital to Dene?

Chapter 3 will begin with a discussion of the background and methods used in the Deh Cho Treaty Study, followed by a presentation of information assembled in the Deh Cho Treaty Research Project. The core information will be drawn from the 67 interviews[5] conducted between 1993 and 1995 in nine Deh Cho communities. Topics discussed by elders will be grouped to identify areas that received repeated emphasis and those of a more specialized nature, distinctive historical accounts from different communities, and Dene views of ongoing treaty issues.

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[5] 67 interviews involving 69 elders were conducted; however one interview could not be translated because of poor sound quality on the tape due to the soft voice of the speaker and background noise. Consequently the information used here is from 66 interviews with 68 elders. Generalizations about the manner of conducting the research apply to all 67 interviews.

In Chapter 4, the theoretical context of early anthropological research with Dene will be examined. The work of researchers described in Chapter 2 was influenced by certain theoretical trends in anthropology in North America, particularly the post-war revival of evolutionary models of human societies and the place of hunting peoples in these neoevolutionary schema; and debate on the nature of hunting societies, highlighted at conferences such as the 'Band Organization' conference in Ottawa in 1965 (Damas 1969a) and the 'Man the Hunter' symposium of 1966 in Chicago (Lee and Devore 1968). The chapter will conclude by considering the implications this study has for anthropology, specifically applied anthropology or applied questions guiding anthropological research.

In Chapter 5, I will conclude by discussing the results of the current research and some of the implications of the Dene view of their treaties, specifically for anthropology as the discipline devoted to understanding the Other. The significance of the disparity between the anthropological view of the content of Dene treaties and the views of Dene themselves will be examined. I will investigate general trends stemming from the history and practice of anthropology of hunting and gathering societies for explanations of anthropology's failure to adequately understand Dene treaties, and conclude by suggesting some directions for overcoming these shortcomings.

Place names

In this text, I use primarily the Slavey Dene names for Deh Cho communities and places. Most of the spellings were current in 1993 and some may have been modified since then. The Slavey names for the communities correspond to the following English/French names:

Deh Cho — Mackenzie River
Zhahti Kue — Fort Providence
Ahcho Kue — Fort Liard
Sambaa K'e — Trout Lake
Pehdzeh Ki — Wrigley
Tthek'edeli — Jean Marie River
Liidli Kue — Fort Simpson

Hatlohdehechee — Hay River
Ts'ueh Nda — West Channel
K'agee — Kakisa Lake

Introduction to Deh Cho Dene

For reasons which will become apparent in the following chapter, I am breaking with ethnographic convention for the study of Dene in this description of Deh Cho Dene by focusing not on environment and economy but instead on Deh Cho Dene political relations with Canada and their efforts to develop their own governance systems and control over their lands and resources. This approach is intended in part as a critique of anthropological approaches to the Dene and, as well, it was this facet of Dene society and history that initially drew my interest.

Deh Cho Dene self-government[6]

Deh Cho Dene are primarily the Slavey-speaking Athapaskan peoples of the Northwest Territories, Canada, who are also affiliated with the Mountain Dene of Fort Norman to comprise their regional organization, the Deh Cho First Nations Council. Together they are developing government models drawing on their own governance traditions, as well as over 20 years of participation with others in the Dene Nation to create a governance system for all Dene lands. Following the 1973 court decisions in *Calder* and Justice Morrow's judgment in the *Paulette caveat*, the federal government applied its new comprehensive claims policy to the Dene, agreeing to negotiate a "land claim" based on their unextinguished aboriginal title notwithstanding the language of the written treaties. Dene responded by submitting an "Agreement in Principle" in 1976 (Dene Nation 1976) describing what they wished to negotiate, rather than limiting their vision to the terms of the government policy. This was followed by a series of governance models created in response to a variety of government initiatives and programs, such as the Dene claim, constitutional reform of the NWT, and constitutional recognition of aboriginal and treaty rights.

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[6] Some of this section is from Smith 1993a.

By 1975, Dene had made it clear that any proposed claims negotiations would have to include the acknowledgment by Canada of their political right to self-government. In that year, the Dene chiefs unanimously passed the Dene Declaration:

> We the Dene of the Northwest Territories insist on the right to be regarded by ourselves and the world as a nation.
> Our struggle is for the recognition of the Dene Nation by the Government and peoples of Canada and the peoples and governments of the world. ...
> What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation. (in Asch 1984:127-128)

The Dene reiterated their position in 1976 when they approved a proposal for an Agreement-in-Principle:

> There will...be within Confederation, a Dene Government with jurisdiction over a geographical area and over subject matters now within the jurisdiction of either the Government of Canada or the Government of the Northwest Territories." (Dene Nation 1976)

Elaborating on their proposal, the Dene developed a model of the political relationships in the north structured on United Nations or metropolitan lines (Dene Nation 1978). This 'Metro Model' suggested dividing the NWT into three territories, according to where each major cultural group (Dene, Inuit, and non-Native) constituted a majority. Political rights of all citizens would be recognized in each territory. Each of the three proposed governments would be built according to the democratic structures decided upon by its populace (accommodating traditional aboriginal forms of government), and would relate to the others in the manner of large metropolitan governments in areas of common interest (Dene Nation 1978). As the non-Native population was primarily concentrated in a few settlements, this model would transfer the rights to the largest portion of the land to aboriginal peoples, thus creating a situation that would resemble the obverse image of the reserve system in southern Canada.

Government response to the Dene's Metro Model proposal was at first positive. Surprisingly, in 1977, Warren Allmand, the then Minister of Indian Affairs and Northern Development supported the property and political rights that the Dene desired. The Dene were encouraged that a resolution to their outstanding claims would soon take place, perhaps even utilizing the 'Metro

Model.' However, Allmand's views were not shared by the cabinet, which resoundingly rejected the proposal:

> ... Ottawa chose to misconstrue several of the native claims by claiming that they are racially structured, when in fact they represent a strict application of democratic principles to all of the people residing in the particular regions of the North. Thus, for example, the Liberals rejected the Dene 'metro proposal' to divide the N.W.T. into several regions, one with a majority of Dene voters, despite the fact that the non-Dene residents would be given the vote and all rights and privileges of citizenship in the proposed area and in Canada in general. The Liberals rejected such an idea as racially motivated but did not recognize that its own rejection was itself racially motivated, in that it very strongly implies an unwillingness to permit a situation to develop in which non-natives may be governed by a native majority. (Dacks 1981:63)

Since the Dene rejected any negotiations on property rights without the inclusion of political rights, the matter of negotiations was stalled until 1980.

At least three factors brought the Dene/Metis and the federal government to the claims bargaining table in 1980. The first initiative was designed to bolster the status and legitimacy of the Government of the Northwest Territories. The Drury Commission was created as a political gesture to increase local input in policy delivery. It acknowledged the uniqueness of the Territorial political culture and criticized previous approaches: "adapted from southern models with which the non-native people are at ease but which at times may grate on the sensibilities and values of people raised in another culture" (Drury in Clancy 1990:33). The second factor was the desire of the federal government to gain Dene acquiescence for a pipeline from Norman Wells to southern Canada. The third motivation was the participation of the Dene and Metis in elections for the Territorial Assembly for the first time in 1979, reversing their politically-motivated boycott of Territorial elections, which had been interpreted by government as Dene ignorance of the workings of Canada's democratic system. The Dene and Metis, together with the Inuit and Inuvialuit, created the first Assembly with a native majority, a body that for the first time was sympathetic to the political aspirations of the majority of the population of the Northwest Territories (Weller 1990:327-8). The Legislative Assembly supported the reform of the public government of the NWT, as well as the settlement of claims.

The Dene had long opposed entering into claims negotiations that were about land rights only and did not permit recognition of their political rights (Joint

Dene/Metis Assembly 1988:2). The federal government was adamant that political rights would not be discussed at the claims table; however, as a consequence of these three factors at least, in 1980 the Minister of Indian Affairs and Northern Development agreed to negotiate political rights, but not within the general framework of claims negotiations. To maintain a consistent position on claims, the government proposed a separate forum for discussing political rights: in the context of the political evolution of the Northwest Territories to responsible government with full legislative authority. In 1980, the Dene, together with the Metis of the NWT, agreed to enter negotiations toward a comprehensive claim and to participate with the Inuit, Inuvialuit, and non-Natives in the Constitutional Forum process (Weller 1990:328).

The participation of the Dene in the 1979 Territorial election was a signal of their intention to pursue their political aspirations through the vehicle of public government. This strategy was shared by the Inuit, who proposed in 1979 that the NWT be divided and the territory of Nunavut be created.[7] During the 1980s, the Dene devoted considerable time and effort to developing their vision of public government in the western NWT.

In 1981, the Dene/Metis produced a new self-government proposal entitled *Public Government for the People of the North.* In it they suggested that a new province-like territory be created in the western NWT, and outlined how Dene/Metis culture and values could be expressed and protected within a public government designed to serve and represent all northerners.

> We propose that a new province-like jurisdiction be created, to be called Denendeh, a Dene word meaning the land of the people. It shall comprise that area that has been and is the homeland of the Dene. Its boundaries will respect the legitimate claims of other native peoples.
>
> We seek, as essential to a just settlement of our rights, a political system that will embody Dene values, that will reflect the Dene style and form of political organization, and that will provide a just and efficient government for both Dene and other Canadians in the western part of the N.W.T.
>
> As in the past, we still make decisions today according to our own rules of order and conduct, with maximum involvement and participation of people, with respect for the rights of the individual and the community, and by

---

[7] Inuit political goals were contained in the Nunavut proposal: the territory of Nunavut, containing a majority (80%) Inuit population, would evolve over a 15 year period into a province with the powers and jurisdiction of the other provinces, within which Inuit culture, traditions, and autonomy would be respected. The Inuit saw their land claim as a way to fulfill their economic aspirations, and Nunavut as the essential political component (Western Constitutional Forum and Nunavut Constitutional Forum 1987:7).

> consensus. Our proposal builds on these traditions to create a modern democratic political structure suitable to the needs of the Dene and other Canadians.
>
> (Dene Nation and Metis Association of the N.W.T. 1981:5)

The spectre of being politically overwhelmed by a large transient non-Dene population had been raised in the resource-extraction boom years of the 1970s. Thus, the Dene/Metis sought to ensure their continuing voice in government by limiting the role of the significant northern transient population through a 10 year residency requirement for full political rights, a Charter of Founding Principles protecting the individual and collective rights of Dene and the individual rights of other Canadians, and a guarantee of 30% of seats reserved for Dene on community councils and National Assembly (a body equivalent to a Provincial Legislature). A Denendeh Senate composed of Dene would have veto power over community council and National Assembly decisions that adversely affect aboriginal rights. Additionally, the Dene proposed that

> The Dene will maintain exclusive ownership, use, control, occupancy and resource [sic] over a large area or areas of land within Denendeh. This area (areas) will not be subject to expropriation...The remaining land and resources in Denendeh (with the exception of private property) will be owned and managed by the Government of Denendeh. The Dene will have exclusive rights to hunt, fish and trap in this land. (*ibid.*, 10-11)

The Dene/Metis conceived of Denendeh as having the basic constitutional powers of provinces over such areas as natural resources, health and welfare, education, administration of justice, local trade and commerce, family relations, local transportation, local community development, and institutions of government. They also desired additional powers in recognition of their unique way of life and position within Canada, including jurisdiction over navigation and fisheries, family relations, communications, labour and employment, and relations with other aboriginal nations. In areas of shared federal-provincial jurisdiction such as taxation, environment, human rights, agriculture, and old age pension, the Government of Denendeh would ensure that federal laws were not in conflict with its own (*ibid.*, 8-9).

However for Dene/Metis, the future of the public government reform process was uncertain. The Western Constitutional Forum closed its doors in 1988 and no alternative structure was established to replace it. By 1990, the Dene/Metis had negotiated an Agreement-in-Principle that purported to deal with their

economic and land rights, but with the failure of both the Constitutional Forum process and the First Ministers constitutional conferences, they had no guarantee that their political rights would be recognized and protected. And at the Hay River Assembly in 1988, the Dene/Metis made it clear that they would not ratify an economic and land agreement without protecting their political rights. Consequently, an agreement that had been a decade in negotiation was rejected.

Following the rejection of the Dene/Metis claim, the federal government removed the moratorium on development on the 'claimed' lands, demanded repayment of the money advanced to fund a decade of negotiations, and immediately moved to negotiate claims with regional Dene/Metis groups. The Dene of the northern regions had observed the short-term benefits accruing to the Inuvialuit under the COPE agreement concluded in 1994. The Gwich'in Agreement of the Mackenzie delta was signed in the summer of 1991 and the Sahtu Dene and Metis immediately to the south followed in 1993. The Dogrib claim was submitted the same year under the pressure of a historically unprecedented diamond exploration boom on their lands. The remaining two regions, Treaty 8 south of Great Slave Lake, and Deh Cho, chose to push for implementation and recognition of their treaty agreements. Deh Cho conducted research and advanced a proposal for self-government on their lands to realize the kind of autonomy their elders and ancestors negotiated under Treaty 11 in 1921 and Treaty 8 in 1899.

Deh Cho Self-government Proposal

Deh Cho Dene discussed self-government in the situation of relationship with Canada for some time, as part of land-claims agreements through the Dene Nation in the 1970s to 1990s, in talks to amend the constitution of the Northwest Territories in the 1980s, in First Ministers conferences concerning aboriginal rights and the 1982 constitution of Canada, in submissions to the Royal Commission on Aboriginal Peoples in the 1990s, to name a number of major forums. In 1994, the Deh Cho Tribal Council submitted a presentation on self-government to the federal (Liberal party) Minister of Indian Affairs, Ron Irwin.

The Deh Cho proposal endeavoured to resolve land issues in terms of governance issues, and thus represented a continuance of the 25 year negotiation

process to jointly recognize both land and political rights. The alternative Deh Cho proposal emerged from their experience with the failed Dene-Métis AIP, constitutional recognition of aboriginal and treaty rights in 1982, and, more recently, the work of the Royal Commission on Aboriginal Peoples (Canada 1996) and a number of critical reviews of government claims policy (e.g., the Coolican and Penner reports of the 1980s (Canada 1985 1983) and the Hamilton report (Canada 1995b)), and the 1995 federal Aboriginal Self-Government policy (Canada 1995c).

The federal government responded to the Deh Cho Denendeh proposal in September 1995. The government was critical of the proposal on a number of points. They differed with Deh Cho in interpreting the federal Inherent Right Policy as sufficiently broad to accommodate the Denendeh proposal. They saw an "unbridgeable gap" between the Deh Cho proposal for a separate Denendeh territory and government insistence on a single territory in the western NWT (Canada 1995d). The government was concerned that the Deh Cho proposal would require modifications to a number of government policies, particularly the comprehensive claims policy. They believed that the proposal sought not a discrete aboriginal self-government in the Deh Cho homeland but a public government for all people residing in the region, having implications for the western constitutional process, division of powers between Deh Cho and the western NWT and the nature of rights—aboriginal and non-aboriginal—in the Deh Cho region. The federal government also criticized the establishment of 3 branches of government (legislative, executive and judicial) at the community level as impractical and unworkable. Nonetheless, they noted that some Deh Cho communities were already putting in place more effective delivery of programs and services and the Deh Cho Dene and Métis were conceptually committed to practical and effective governance. (Canada 1995d:1-12)

Regarding protection for aboriginal rights, one method proposed by Deh Cho had been a Dene Nation suggestion as well: a residency requirement of 5 years to vote and 10 years to hold office. As the federal discussion draft noted:

> A central concern from Canada's perspective is the question of whether the representative institutions of public government as proposed by the Deh Cho would meet the democratic principles to which the Canadian Constitution and its Charter of Rights and Freedoms speak. (Canada 1995d:12)

The part of the proposal dealing with land was the most contentious. Deh Cho proposed establishing a separate Crown, a concept unacceptable to the federal government, and that land in Denendeh would be inalienable (fee-simple title would not be permitted; however, leases and successorship to leases would be). The federal government also had difficulty with the concept of setting aside, in perpetuity, between one and five percent of Deh Cho land as part of Dene spiritual heritage, "land which would not be eligible for expropriation by government for any reason, which is unprecedented in Canada" (ibid., 14).

According to Deh Cho Dene, the core concepts in their self-government proposal stem from their treaties. The relationship that was to have been established between Dene and settler Canada with the implementation of the treaties as negotiated would have protected key jurisdictions for Dene, including their ownership and control over lands and resources, and autonomous governance (discussed in Chapter 3), while insuring other elements of the Dene–Canada relationship: peace and friendship, safe passage over Dene lands, and mutual assistance. Thus, to appreciate Deh Cho concepts of self-government, understanding the content of the treaties is crucial.

Treaties and Anthropology

Dene of the Northwest Territories continue to be involved in efforts to protect their autonomy over their lands, economy and governance. Often their efforts are affected by external factors such as changes in Canadian and territorial governments and Ministers, the evolution of policies of these governments, and the gradual movement of significant aboriginal rights cases through the various courts in Canada, for example, the 1998 Supreme Court of Canada decision in the Delgamuukw case. Since the 1970s, more than a generation of Dene have experienced negotiations on a number of issues and, with the periodic changes in legal and political environment and public opinion, considerable debate over the best strategies to achieve their goals. It appears that this activity will continue for some time.

As mentioned previously, following the rejection of the Dene/Metis claim in 1990 Deh Cho Dene elected to pursue the agreement their elders described for Treaties 11 and 8. When I approached them with an interest in their self-

government plans in 1992, they proposed that I interview their elders to record their treaty history. In effect, I was the third generation of anthropologists, following Helm and Asch, who Dene chose to educate about their treaties. In fact, mainstream anthropological literature about Dene contains little on treaties and paints a picture of Dene emphasizing their environment and economy in a determinative manner that does not accord with a people capable of negotiating agreements of an international nature. A recent survey text summarizes the classic accounts of Dene and the virtually unshakable academic view of the salient features of their culture:

> The restless wanderings of the Athapaskans and their fame as "cultural borrowers" has attracted much anthropological interest. ... However, no matter how far they traveled or how intensive the cultural borrowing, they tenaciously maintained their Athapaskan language. ...
>
> The Athapaskan people were not organized politically into "tribes." Small, highly mobile bands tended to resemble their neighbours in speech and lifestyle. ... The numerous small bands speaking dialects of the Slavey language did not constitute any cultural or political unit, but they have in recent times developed something of a common identity by use of the term "Slavey" to distinguish themselves from other Athapaskans when speaking English. ...
>
> Leadership was based on ability, with the best hunter or most experienced warrior taking charge for the duration of that activity. The Chipewyan and Dogrib, with their communal caribou hunts, placed greater emphasis on leadership than groups such as the Slavey, in which hunting was an individual activity. Such leadership roles were temporary, and all adults felt free to come to their own decisions or join another social group. Flexibility and respect for individual autonomy are at the core of Athapaskan culture. ...
>
> Religious life was relatively simple. ... Uncertainties of everyday life could be dealt with through supernatural means. ... As well as such individual practices, occasional ceremonies fostered social cohesion. ...
>
> (McMillan 1988:213, 221, 222, 224)

It is difficult to align what is known of the history of the Dene, particularly that of the twentieth century, with standard anthropological descriptions of their culture. This discordance is accentuated on the topic of Treaties. What follows is a review of the classic anthropological studies of Slavey Dene and what these anthropologists had to say about Dene treaties.

Chapter 2. Dene ethnography

2a. Slavey ethnography
2b. Dene treaty history
2c. Dene treaties and Dene ethnography

The purpose of this chapter is to review the ethnographic and historical literature on Slavey and on Dene Treaties. First, Slavey ethnography will be examined in the context of anthropological views of Dene generally for what these ethnographies say about Slavey, Dene treaties and how depictions of Slavey in ethnographies accord with treaty history. The second topic is a brief summary, from documentary sources, of the history of negotiating and implementing Dene treaties, emphasizing Treaty 11. This will be followed by a brief discussion of two sources of Dene history. The third important source of information on Dene treaties, Dene oral history, is the topic of the next chapter.

2a. Slavey ethnography

Written descriptions of the peoples of places newly encountered by the outriders of colonialism—explorers, traders, missionaries and other travelers—were a well established tradition prior to the development of anthropology as a profession. Likewise, the first accounts of Slavey and other Dene were produced far in advance of the arrival of ethnographers: by traders such as Wenzel (1899) and Keith (1890), explorers and travelers such as Richardson (1852) and Russell (1898), and missionaries Petitot (1876) and Duchaussois (1923). Anthropologists have relied on these early accounts, generally in an uncritical fashion[8], as windows to early contact Dene life and to 'reconstruct' aboriginal Slavey culture by extrapolating back from the earliest recorded contacts with Europeans.

The first thorough studies by professional anthropologists—such as Goddard (1916), Birket-Smith (1930), Jenness (1932), Osgood (1931), Cooper (1938) and

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[8] See the work of Ian MacLaren for cautionary notes about the acceptance of early accounts as literal truth: MacLaren (1989) for a discussion of the 'cultural baggage' influencing the early accounts and visual representations of the New World, and (1994) for commentary on publishing early accounts: "Relations between explorers of early Canada and their English publishers are sufficiently complex as to call into question customary straighforward equation that readers draw between explorers' eyewitness experiences and the narrative account of them, issued some time after their return to England." (1994:43)

Mason (1946)—are considered the 'classic ethnographies', and, along with the earlier accounts, form a baseline of information utilized by subsequent investigators, discussed below. For Slavey, the original ethnographic studies were done in 1943 by John Honigmann in Fort Nelson in northeastern British Columbia (Honigmann 1946), and in 1951-52 by June Helm at "Lynx Point" (Tthek'edeli) along the Mackenzie River in the southwestern Northwest Territories (Helm 1961). They are notable in their attempts to present data in sufficient detail to permit some measure of alternative analysis on the part of readers, albeit constrained by the quantity and type of data collected[9]. These ethnographies paint a distinctive picture of Slavey society, emphasizing certain cultural attributes and sharing important perspectives. An additional major work on Slavey was conducted in 1969-1970 by Michael Asch in the community of Pehdzeh Ki on the Mackenzie River (Asch 1988). This study differs somewhat from the others in its focus on ethnomusicology; however, it is included in the overview below for its significant ethnographic and analytical content.

Before examining the ethnographic work of Honigmann, Helm and Asch, it is necessary to consider the context of general ethnographies of Dene (Athapaskans) within which Slavey studies are situated. Certain views of Dene culture have become particularly tenacious themes. Although some of these views can be demonstrated to have debatable validity and fail to correspond with or explain certain historical events, nevertheless they continue to surface as the accepted wisdom about Dene society (e.g., McMillan 1988, quoted in Chapter 1). For a sense of the major traits attributed to Dene in the classical canon of ethnology, I will briefly review the findings of J. Alden Mason (1946), Cornelius Osgood (1931) and James VanStone's 1974 synthesis, as well as drawing upon a small number of examples from the 1981 *Handbook of North American Indians*.

In the summer of 1913, J. Alden Mason conducted what was intended as a preliminary survey of the Great Slave Lake region but, due to the outbreak of World War I, the anticipated larger research project failed to materialize. Following upon the interest in linguistics of Edward Sapir, then Chief of the Anthropological Division of the Geological Survey of Canada, Mason was able to

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[9] Honigmann states specifically: "... it seems wisest to present the empirical data independently of any interpretation. Doing so will make the data readily available to anyone not interested in the interpretive approach or desirous of inspecting the basis of this approach" (Honigmann 1946:12).

collect some stories and songs at Fort Resolution and Fort Rae from Chipewyan, Yellowknife, Dogrib and Slave individuals, the latter group providing the larger part of his data. It was not until 1946 that the results of this journey were published. Mason's conclusions stand as a notably succinct summary of the cultural features attributed to Dene of that area.

Mason encountered "vexatious difficulty in working," such as in travel, finding informants and "... great difficulty was met insuring the services of an interpreter, as all were in demand by the fur companies, then in their busiest season"(1946:7). Consequently, he is careful to note the shortcomings of his research:

> It is obviously impossible to gain a well-balanced impression of the culture of a subarctic people in the few short summer months and at a rendezvous. ... Much of the material here given is the uncorroborated statements of one individual and must be so accepted. Much of it is substantiated by other observers, some little is denied. (Mason 1946:9)

Although Mason admitted limitations to his work, his conclusions are unequivocal:

> The most evident characteristic of northeastern Athapaskan culture is its extreme poverty. In all phases of life, material, esthetic, social, and religious, there appears an extremely weak development. Wherever the Athapaskan stock has come into contact with other cultures in Alaska, British Columbia, Oregon, California, Arizona, and New Mexico, it has adopted the culture of the region, in some cases becoming the principal exponent and retaining nothing of its pristine culture but the language. Yet the languages of the stock are so little differentiated that the natural suspicion must be that the dispersion was not of the earliest ages. The obvious conclusion is that the typical, indigenous Athapaskan culture that provokes the suspicion that the northeastern Athapaskan region, in which is found such a simplicity of culture, relatively undifferentiated over a wide area, and unaffected by foreign elements, must be the typical Athapaskan region and possibly the area of development and diffusion. Here we find dynamically important ethnological phenomena in their infancy: "medicine," an undeveloped shamanism; the guardian spirit, a possible incipient totemism; the pseudopatriarchal band within the tribe, the possible beginnings of a gentile system; and other interesting features.
>
> Individualism seems to be the keynote to the interpretation of this culture. The individual is bound by few taboos and coerced by no authority. He often hunts alone, though his kill is common property; he takes his own revenge on his enemies; he is his own shaman. Of course there is little individuality, and even the individualism is circumscribed by custom and tradition, but comparing the culture of this region with those of other American Indian areas, there is evident a great lack of ceremonies and all other communal relations, and to some extent an individualization of these same phenomena. (Mason 1946:43)

Cornelius Osgood conducted more extensive fieldwork (14 months) in 1928-1929 and addressed key issues in the developing ethnography of Dene in his monograph, *The Ethnography of the Great Bear Lake Indians*, published in 1931. Unlike many other researchers, he travelled extensively on the land rather than situating his research in a community (trading centre), perhaps due in part to the coincidence of his arrival and a devastating influenza epidemic which caused the people to avoid the trade centres. He described the epidemic very briefly: "The writer reached Norman early in July, 1928. At that place during the following fortnight an epidemic of influenza killed a large part of the Indian population" (1931:31). Osgood identified some attributes of Dene society that were disputed by other researchers, such as the existence of "tribes," which he described as having specific territories:

> These tribal boundaries represent the extreme ranges of the respective bands, who at no time occupy and hunt over more than a very small section of them. The specific location of the people is very apt to change somewhat from year to year according to the hunting. There is practically no overlapping of areas, but there are a few places where tribes sometimes meet each other such as among the little lakes between lac des Bois and Great Bear lake, where the Satudene come upon the Hare. (Osgood 1931:35)

Osgood traced the territories, affiliation and movements of Dene in the vicinity of Great Bear Lake in detail and was aware of the differences between groups in a manner uncaptured in Mason's sweeping generalization; Osgood seemed to have little difficulty identifying political organization and the existence of broader groupings than the band (i.e., "tribes"). For example, Osgood described the Bear Lake people as possibly being closely related to the Hare at one time but: "Today they are politically, socially, and linguistically differentiated from the Hares and more often associate and intermarry with the Dogribs" (1931:33). Osgood's view of Satudene political organization is interesting in how it differs from the analysis of later observers for Dene generally, described below, particularly in the emphasis he places on tribes and families versus bands, "It must be said then, on the existing evidence, that the Satudene form a tribe not broken up into true bands, and that the fundamental unit is the family which has developed neither clan nor gens affinities" (1931:74). He differentiated the Satudene from the Hares and Dogribs, to whom he attributed tribes, bands and families:

> Both the Hares and the Dogribs are divided into bands, the former into five and the latter into four. Each band has a large area in some part of which it hunts each year and to which it is restricted. The Satudene, on the other hand, split into groups irregularly, oftentimes families changing from one group to another several times during the course of a single winter. Tracing the movements of various families in historical times makes it evident that the Satudene groups have no stability, nor are families limited to any large area. (Osgood 1931:74)

Osgood ascribed to Satudene discrimination between individual ownership of territory and the view that territory is the property of the group:

> Seton (1912, page 150) says of the Chipewyans that there was an ancient, unwritten law by which the whole country was divided among the hunters, each having usually a river valley which was his exclusive and hereditary property. The Satudene deny that any such idea was held by them, saying that any man may hunt where he pleases; and they laugh at the idea of ownership by individuals. The people as a group have a very strong feeling of communism, and freely give and ask for things among themselves. ... The changes due to modern conditions of life often give the opposite impression of the Indians but on analysis it would apear that formerly, at least, this was their real attitude.
>
> (Osgood 1931:71-72)

A considerable part of Osgood's ethnography is commentary or discussion of the published accounts of previous observers, i.e., early explorers, fur traders, missionaries and sportsmen (he lists: Hearne, Mackenzie traders Keith, Wentzel, Franklin, Richardson, Back, King, Simpson, McClean, Hooper, and the Oblates Petitot and Duchaussois). He commented on reports that Athapaskans exist on the brink of starvation, are gluttonous whenever the opportunity arises but operate entirely without foresight, and often must resort to cannibalism. From his research, he presented a more balanced—and culturally relativistic— account:

> The true picture of the Satudene's life in relation to his food problem is nevertheless not one of either gormandizing or cannibalism. Undoubtedly he will take advantage of plenty, which is characteristic of peoples whose food supply is not absolutely dependable, and certainly he has known the trial of hunger, but he worries little about either. Hunger to the civilized man has become a symbol of suffering, a physical and social tragedy which he will avoid at any cost, but should he be forced to experience it occasionally, he might well be shocked to discover that it is less unpleasant than many trivial illnesses. The Indian knows the natural resources of his food supply, moves in bands from one fishing place to another, or seeks for game in favourable places. If asked why he does not prepare for an unknown future, it is hard to get more than the sly look of amusement for an answer, but one comes to realize an unsuspected feeling of security which is denied the casual traveller.
>
> (Osgood 1931:37)

Osgood gave a similarly detailed discussion of indigenous warfare, concluding that the northern Athapaskans were likely not a warlike people, due to "the struggle for existence under northern conditions, the isolation of the tribes of so large an area, and the difficulties of travel" (1931:63). He cited accounts of pillaging and massacres between Chipewyan and peoples living north of them, the feud between the Yellowknives and Dogribs, and the antipathy between "Eskimo" and Dene (1931:63).

Osgood's account deals with elements of Satudene life common in ethnographies, beginning with geography, climate and natural resources, material culture and economy, food, dress, shelter, transportation and travel, tools and implements, war, art and music, social organization and customs, and religion and mythology. Notably, he did not mention the Treaties, negotiated with the Satudene seven years prior to his visit, and with peoples to the south of Great Slave Lake twenty-two years earlier. He did describe the institution of "Chief", but associated it with "trading chiefs" and not those created through Treaty:

> Chiefs, such as are among more highly organized tribes, probably never existed among the Satudene. Authority lay with such heads of families as were the best hunters, generally older men whose experience was considered necessary for the guidance of the group. ... Since the coming of the fur traders, chieftainships have several times been inaugurated by them, thus creating a position through which the Indians can be reached. The office is characterized by a blue coat and cap, some gold braid and brass buttons, but very little else. Russell (1898, page 164) speaks of these chiefs among the Dogribs striving to increase their prestige by liberality in sharing the gratuities received from the traders. There seems to be some resentment among the Indians at the formalizing of the chieftainship and several of the chiefs have said that the office brought bad luck. (Osgood 1931:74-75)

There is some disparity in the description of Dene between Mason and Osgood but both accounts constituted foundations of Dene ethnography. In Osgood's case, his work stands as the major ethnography of the Satudene, (Gillespie 1981:310) and was not augmented until Rushforth's work in the 1980s (Rushforth 1984). Mason's preliminary work with the Dogrib wasn't continued until 1961 by Helm and Lurie.

Two major works have synthesized their work and that of other researchers into general descriptions of Dene: VanStone's *Athapaskan Adaptations* (1974), and the Subarctic volume, edited by June Helm, of the *Handbook of North American Indians* (1981a). As well, ethnographic material about Dene was used

in the development of a number of theoretical works, such as by Julian Steward (1979 [1955]) and Elman Service (1968 [1962]). The latter will be included in the discussion of theoretical approaches to the study of Dene in Chapter 4.

James VanStone adopted what was to become an extremely popular approach in northern Dene ethnography—an ecological orientation—in his monograph "to comprehend the nature of Athapaskan culture and the adaptive processes necessary for survival in a subarctic environment" (VanStone 1974:121). He saw various Dene groups as occupying "ecological niches" through their primary adaptive characteristic: "it is the flexibility of the Athapaskan adaptive framework that has enabled these people to meet the demands of different environments" (ibid.). Using his ecological perspective, VanStone determined all other features of northern Dene societies, for example, "a certain uniformity has appeared in our consideration of the relationship between natural environment and subsistence activities" (ibid.) due to their need to exploit all facets of their environment. From this uniform subsistence relationship, "a comparible uniformity in many aspects of Athapaskan social organization" is observed, exemplified by a higher level of organization in peoples who cooperatively hunt large herd animals—caribou—versus the absence of leadership roles among more solitary moose-hunting peoples (ibid., 122). The flexibility observed in subsistence pursuits is mirrored in social organization, VanStone argued, "On many different levels, Athapaskan social organization could be adjusted to the task at hand, and social institutions generally reflected this ability to meet the demands of the environment at different times" (ibid., 122). For example, VanStone interpreted the Dene bilateral kinship system as more ecologically adaptive than unilineal systems "to the exigencies of life in the western subarctic ... because it makes available a greater number of relatives to help the individual when the need arises" (ibid., 123).

Other key attributes of northern Dene, according to VanStone's synthesis, include cultural borrowing:

> Indians moving into different environments in most cases readily borrowed techniques and technologies from the people already present and accommodated these techniques within Athapaskan culture. Traditional Athapaskan culture must be thought of as essentially an accommodating culture, and accommodation, in turn, greatly facilitated survival in a demanding environment. (VanStone 1974:125)

Another central quality that northern Dene were seen to share with other subarctic peoples was individualism, again linked to survival by VanStone:

> In stressing flexibility and accommodation, however, we should not lose sight of a simple and very basic truth that applies to all areas where hunting peoples have exploited their environment: the expert hunter's most important attributes have always been knowledge and intelligence, both highly individual matters.... Specialized knowledge is in itself an adaptive strategy, and it is indicative of the versatility of northern Athapaskans that they have been able to adjust satisfactorily to a number of environmental circumstances by accepting strong cultural influences from neighboring peoples. (VanStone 1974:125)

In general, VanStone adopted subsistence-based divisions such as "Restricted Wanderers" and "Central-based Wanderers" to describe northern Dene social organization (1974:38), as well as employing categories such as local bands and task groups (1974:46). His view of Dene social organizations contradicts Osgood's that there is a meaningful "tribal" level:

> There was no tribal organization and, among most groups, only a very limited tribal consciousness. ... What have sometimes been called tribes were, therefore, simply spatially localized groups, distinguished for the most part by relatively slight cultural differences. ...
>
> We have already noted the absence of any concept of group identification beyond that of territory or language, but each of the identified groups is divided into subgroups, and it is these subgroups rather than the larger enclaves that have social meaning to the people themselves. (VanStone 1974:8, 43)

From VanStone's analysis it is difficult to conceive of people such as Dene negotiating international treaties. He commented briefly on Treaties in his discussion of Dene in the "modern" world, finding unproblematic the assertion of federal jurisdiction over Dene, and suggesting that certain aspects of the relationship are not clearly understood by Dene:

> The legal terms of a government's relations to the Indians under its jurisdiction have, of course, little meaning to the people themselves. To the average Athapaskan of the Great Slave Lake area, Treaty No. 11, under which he is bound to obey the laws of Canada, means little except the modest financial distributions and related entertainments that he associates with the annual Treaty Day. He is aware that the government is a maker of laws, a provider of education, and a dispenser of welfare. In spite of, or perhaps because of, this knowledge, he is likely to view the government as a monolithic and uncontrollable entity, only occasionally subject to manipulation through its local representatives. (VanStone 1974:110)

Aspects of VanStone's approach are duplicated in the Subarctic volume of the *Handbook of North American Indians* (for brevity, referred to hereafter as 'the

Handbook'), although in far greater complexity and detail. As the volume title suggests, the Handbook is organized along ecological, not cultural, lines, and the Subarctic volume contains information on Algonquian, Athapaskan and Métis peoples from Alaska to Labrador, organized into major physiographic zones:

> In adhering preeminently to an environmental-ecological perspective, we depart in a major respect from earlier delineations of cultural subareas of the subarctic (Jenness 1932; Kroeber 1939; Driver and Massey 1957; Murdock and O'Leary 1975,2), which impose a division at the linguistic boundary between Algonquian speakers and Athapaskan speakers in the lands west of Hudson Bay. Although indicative of ancient cultural relationships, linguistic heritage has but secondary import for the comprehension of cultural adaptations, lifeways, and influences for change among the native peoples of the subarctic.
>
> (Helm 1981a:1)

Thus the general organization of the Handbook accords with the centrality of ecological-environmental factors in describing Dene cultures. However, its approximately 850 pages contain a great diversity of information and address many of the topics already noted in sections written by a variety of anthropologists working with particular Indigenous groups. For example, the existence/significance of a 'tribal' level of social organization is identified for some peoples (e.g., Chipewyan) but not for others (e.g., Carrier, who are seen as more than one 'tribe') (ibid., 2-3).

Given these attributes identified for Dene in general, what is the depiction of the Slavey in the classic ethnographies? What do the early ethnographers have to say about the central focus of this study, Dene treaties? And, what have more recent anthropologists contributed to Slavey ethnography?

John Honigmann and the Fort Nelson Slavey

With the construction of the Alcan Highway in 1943, John Honigmann took the opportunity of considerably more direct (but not necessarily comfortable) access in order to do ethnographic work with the Slavey at Fort Nelson, British Columbia, producing *Ethnography and Acculturation of the Fort Nelson Slave* in 1946. He candidly recounted difficulties in doing research in the area:

> Conditions in Fort Nelson soon proved far from ideal for ethnographic work. The number of Indians in the post offered no one willing to offer his services as a paid interpreter, nor could money be used to induce such assistance, since the recent spring fur sales at the high war prices had furnished the local people with relatively abundant capital. ... A month spent in trying to break down the

> resistance of one or two promising individuals was wasted when a flood ruined their property and compelled them to devote all their time to repairs. ... With my aims still largely unrealized a number of people, including my best informant, began to leave the post in early August. Shortly thereafter I left too ...
> (Honigmann 1946:3-4)

Nonetheless, Honigmann was able to produce an ethnography based on "thirty-five or forty informant hours during the seven weeks of residence in Fort Nelson" from thirteen informants, seven men (technically, five Métis and two Slavey) and five women (Slavey) ranging in age from 18 to 75 (ibid., 4, 15-17). His research centred on the trading centre (Fort Nelson), and did not include outlying camps or other centres.

Honigmann's original intention was to focus on the contemporary culture, but due to "difficulties in having [himself] accepted as a participant observer", he modified his objectives to historical reconstruction, drawing on the historical accounts mentioned previously as well as interviews and observations (ibid., 4). He related this information to his observations of contemporary culture to produce an acculturation study. "The primary aim of the present study is to demonstrate the configuration of aboriginal Fort Nelson Slave culture, and the changes occurring in that configuration following contact with Europeans" (ibid., 11). Honigmann's area of interest was not historical reconstruction, precisely, but had a more psychological emphasis: "... it seems that one can also speak of psychological reconstruction or perhaps, better, functional reconstruction to suggest the rounded approach to a no longer functioning culture" (ibid., 12).

Honigmann began his study with a description of the physical environment of the Fort Nelson Slave, which can be summarized as boreal forest east of the foothills of the Rocky Mountains in northern British Columbia, in a plateau area cut by deep valleys, rich in fur-bearing and large game animals (notably moose and bear, and, in the past, bison), but lacking significant fish lakes (ibid., 17-22).

Honigmann noted that: "The Indians speaking a dialect of the Athapaskan language in Fort Nelson today almost all identify themselves as Slave" (ibid., 22). He questioned whether such a broad linguistic and tribal category (essentially a 'tribal' level of political organization or consciousness) was used aboriginally, and noted the term Slave was believed to have been bestowed upon these Dene

people by the Cree or perhaps another non-Dene group. Honigmann observed that the population of Slavey appears to have declined since first encountering whites in about 1780. He speculated this was due to introduced diseases and added that the Slavey may be no more susceptible to these diseases (notably tuberculosis, influenza, and whooping cough) than non-Native people but perish due to insufficient medical care[10] (ibid., 28).

Honigmann reviewed the history of the Fort Nelson Slave, from 'prehistoric' (precontact or historically long-term) times where there is a dearth of information, through the fur trade period, signing of Treaty 8, and modern developments such as construction of the Alcan highway ending the isolation of the area. He divided his study into a reconstruction of aboriginal Slavey society and a description of contemporary Slavey society, and in turn, divided each of these categories into technical and nontechnical culture. He described how each of these had an "integrative" function:

> Just as the technical aspect of culture has as one of its prime functions to secure the integration of society and environment, so the primary function of the nontechnical culture is to secure the integration of the members of society to one another, against enemies, and to the realm of the supernatural. The integration of societies through the agency of culture may be referred to as the adjustive function of culture. (Honigmann 1946:92)

Honigmann's reconstruction of aboriginal Slavey society focused on the technical details of "the food quest," which ranged from "gathering through hunting and trapping, fishing, cannibalism, the general diet, food preparation, and eating to the seasonal calendar", as well as travel and transportation and other material aspects of culture (ibid., 35-64). His information derived from the historical observers described previously, as well as the anthropologists Mason (1946), Jenness (1932), Cooper (1938), and Allard (1929). He provided a conjecture of Slavey life prior to European contact that featured hunting by means of snares and other traps, arrows, and spears, fish weirs and nets, collection of berries and other plants, construction of spruce bark and birch bark canoes, shelters, and the consumption and use of products of the hunt. He stated that "[t]he food quest yielded no economic surplus, not did it make available any

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[10] "It may be that many of the flu and tuberculosis deaths among the Mackenzie drainage Athapaskans could have been prevented with adequate medical attention and that these people are not simply more vulnerable or less resistant to such attacks of introduced diseases than white people." (Honigmann 1946:28f)

leisure period such as might follow the harvest in agricultural societies. The business of adaptation occupied almost all the time available to the society" (ibid., 60). Further, he suggested that this preoccupation affected social relations: "In the nontechnical culture the combination of no economic surplus and absence of leisure time is reflected in the undeveloped ceremonial and recreational life" (ibid., 60-61). Specific attributes of Slavey society related to the economy and productive process were values of mobility and individualism. Two additional values of an immediate sort were noted: game and fire (ibid., 63).

Honigmann's reconstruction of the nontechnical aspects of Slavey culture featured a discussion of social and territorial organization into what he termed 'macrocosmic' and 'microcosmic' bands, corresponding to what Helm later termed 'local' and 'regional' bands (see discussion of Helm's ethnography, below). Honigmann attributed little cohesiveness to the macrocosmic level:

> It was a pattern for the macrocosmic groups mentioned by ...[Osgood and Petitot] to occupy relatively large and recognized tracts of country and to speak closely related dialects. Lacking any over-all political organization, but being akin to one another in their dialects, a collectivity of these groups have received, gratuitously, the national or tribal designation "Slave," thus having applied to them a unity which they in no way possessed. (Honigmann 1946:64)

Having rejected the tribal/national or macrocosmic level as the locus of political organization, Honigmann turned his attention to the microcosmic or local group, and to the question of ownership—presumably in the private property sense—of land:

> This [local group] unit consisted, as nearly as we can tell, of several, probably related, families who hunted together and recognized the leadership of one or more of their number. We might regard it as a loosely organized and transitory form of the joint family, but lacking the cohesive factor of land to lend it permanency. There is no evidence that this group ever owned any hunting territory among the Fort Nelson people. (Honigmann 1946:64-65)

Social structure was seen by Honigmann as relating to leadership (based on skill in hunting and medicine power); social control to sanctions (ibid., 65-66). In his reconstructed aboriginal Slavey society, he identified certain aspects of social organization as being necessary for survival in the harsh northern environment, as he saw it.

> The *individualistic* orientation of the culture is pronouncedly evidenced in the nontechnical aspects ... The local groups completely lacked any social cohesion

which could have been brought about by patterns of strong political or other social mechanisms of control and which would have been capable of utilizing such sanctions as retributive justice[11]. Instead of such a corporate social structure, each man was, to a large extent, a law unto himself, subject only to family pressures and to public opinion within the group from which, however, he was always free to subtract his allegiance. The local group, then, was an atomic society in which the focal points of cohesion were kinship, the family, the pattern of game distribution, and the leadership of an able hunter who guaranteed the safety of the members but who possessed little actual authority.
(Honigmann 1946:94) (emphasis in original)

As for kinship,

...considerable difficulty was experienced in obtaining a clear and uncontradictory pattern of the kinship system. Several factors seem responsible for this. In the first place the degree of acculturation and resultant disorganization of the aboriginal culture probably helped obliterate the functional importance of some of these patterns. ... Finally, the patterns may have been poorly formalized to begin with and this aided their obliteration. (Honigmann 1946:67)

The same conflation of parallel and cross cousin terms with sibling terms in ego's generation later reported by Helm (and discussed in more detail below) was observed by Honigmann. This and other elements of Slavey kin terminology contradicted the expectations of Kroeber (1937, in Honigmann 1946:70) that "original Athabascan" would have utilized cross-cousin terminology:

Brother-sister terms among the Fort Nelson Slave were extended to include both parallel and cross-cousins, and cousin marriage of any kind was not permitted. The reason for this extension of terms was explained by one informant as due to the fact that cousins come from "practically the same mother or father." (Honigmann 1946:70)

When Honigmann moved into the realm of the contemporary culture, he emphasized the significance of trapping for linking Slavey economically and socially to an outside, cash economy, from observations at the trading centre:

Although meat remains today the staple item of the Slave diet, the bulk of the contemporary native economy depends only indirectly upon the exploitation of these natural resources. In place of the self-sufficient economy maintained by the culture of the aboriginal bands, the contemporary culture has become

[11] Honigmann found an absence of formal powers of social control; instead those functions were achieved through informal sanctions of gossip and shared values. One notable exception reported to him followed the murder of the fur trade factor, his family and employees at Fort Nelson in 1812 or 1825: "When the chief of another band heard of this deed he immediately suspected the guilty party. Following the criminals with his own men, he overtook them and forced them to give up everything that they had stolen. The murderers were then required to work for this leader for a period of time." (Honigmann 1946:66)

> integrated into a more extensive money economy. Today the principle product obtained by the exploitation of the environment—fur—is transformed into money or credit, and money has become the medium of exchange through which the people obtain most of the necessities of existence—food, clothing, transportation aids, and the conveniences of shelter. (Honigmann 1946:97)

Honigmann was interested in describing Slavey acculturation, and saw these changes as resulting from that process: "The development of certain new cultural activities among the Fort Nelson Slave considerably altered the configuration of Fort Nelson culture between the aboriginal and the contemporary datelines." (Honigmann 1946:14). As to the significance of this alteration, he was unclear:

> However, that is not to say that the dropping out of old and the addition of new norms add up to new configuration. ... A more consistent explanation from our point of view would be that the adoption of new elements into a culture may sometimes alter the orientation of the culture as a whole by introducing new values and goals. New ideas and behaviors, however, may also be adopted and fitted into the existent configuration without any major change occurring in the orientation of the total culture. (Honigmann 1946:15)

With reference to the Slave, he was similarly equivocal:

> Although important changes have been introduced into the culture as the result of this shift in economic patterns and through contact with a new culture, the adjustments demanded of the society were not abrupt and appear to have been accompanied by little of the catastrophic disorganization which followed in the wake of the acculturation process elsewhere. The explanation for this may lie in the fact that despite the shift from a subsistence to a money economy, the basic economic patterns of the culture were maintained. (Honigmann 194 6:97)

Referring to the realm of technology, he offered further explanation:

> The technology of contemporary Fort Nelson Slave culture is a blend of old and new elements. In general, ... only those elements of the aboriginal culture have been retained for which the new white culture offered no adequate substitutes. (Honigmann 1946:119)

The culture Honigmann described was one of travel by dog team, plank boat with 'kickers', the (limited) use of horses, hunting with guns and, for rabbits, snares (and purchase of food at the store, especially in the summer when meat was scarce in Fort Nelson), trapping and the registered trapline system instituted by the British Columbia government in 1925 to "[protect] the livelihood of the people" (ibid., 98), shelters in relatively recent permanent log cabins (many families had one in the trading centre and one on the trapline) as well as tents and

lean-tos, and store-bought clothing or fabric. Taken in total, Honigmann saw the changes as highly significant:

> The fur products of the bush, while still essential to the adaptive scheme of the contemporary culture must, in great part, first be exchanged for the traders' food and supplies before their value may be realized or before they become adaptively functional. Some food is still derived from hunting and a little clothing, a few lines, and some minor cultural materials are still the result of a direct exploitation of animal resources. In the main, however, the Slave have become overwhelmingly dependent upon the dominant white culture of the area for subsistence and for physical well-being. (Honigmann 1946:123)

Honigmann viewed the trend toward living in the community for part of the year, or for women and children to spend much of the year in the community or in cabins at fixed locations on the trapline as another important factor in acculturation which he termed "sederunty," a term he coined to express the "tendency of the society to abandon unlimited mobility in favour of settled or permanent patterns of residence" (1946:125). Taken together with the change in diet and evidence of population decline since contact, but particularly in the 1920s, he concluded that Slavey society was not adaptive as it had been in the past, and suggested links with the acculturation process (ibid.,):

> Despite this shift of dependence from the bush to the traders, many of the old patterns of the technical culture, which aboriginally served the end of adaptation, are still functionally important today. ... In one aspect, however, adaptation is apparently less successfully served. As we have already seen the falling population trends and the mounting incidence of disease in the past few decades are evidence of the fact that something is interfering with the adaptive efficiency of Slavey culture. (Honigmann 1946:123)

The trend toward sedentarization also had consequences for social organization. Where aboriginally Slavey lived in bands comprised of individuals related as kin, now the trading centre communities were based on what Honigmann saw as "a number of unrelated families," with no institutionalized community organization or leadership capable of compelling action (ibid., 127-128). Instead, Honigmann perceived social control to be in the hands of the "dominant white culture," specifically the resident police and postmaster (ibid., 129). He noted the exception of a community formed around four brothers located eighteen miles below Fort Nelson which appeared to follow the aboriginal pattern of band organization "although they are now domiciled in cabins" (ibid., 127). In general, Honigmann concluded that in the nontechnical culture, the affects of acculturation may be less pronounced:

> Although the Slave have not hesitated to accept the technical improvements and food resources of the white culture they have apparently been less ready to regard favorably other cultural elements of this intrusive group. .... In general, white values and white sanctions find only slight reception in Slave culture when they are unrelated to survival goals. (Honigmann 1946:147)

Further, the individualism he noted for Slavey culture mitigates against assimilation, and actually "delays" acculturation (ibid., 150):

> Another example of the individualistic trend of Slave culture is reflected in the absence of any desire to emulate whites or to enter into unnecessary social interaction with them. Slave culture as a whole reveals few tendencies toward assimilation by the white culture. (Honigmann 1946:149)

Nonetheless, based primarily on the technical culture, Honigmann concluded that, "As a whole we can characterize the configuration as having moved from a position of strong independence or self-sufficiency to one of symbiotic dependence on white culture in which self-sufficiency was abandoned" (Honigmann 1946:150).

Regarding Dene treaties, Honigmann's viewpoint on Treaty 8 seems to have been drawn entirely from the federal government's published accounts. The Fort Nelson Slave negotiated an adhesion to Treaty 8 under Indian Agent H. A. Conroy (later treaty commissioner of Treaty 11) in 1911, 12 years after its initial negotiation in other areas in 1899. As Conroy reported: "I spent the next two days talking with them, explaining the articles of treaty. They seemed anxious to enter treaty, but made several objections, more for form's sake than because of any sincere belief in them" (in Honigmann 1946:32). Conroy observed that the Slavey were sickly and poor and would benefit from treaty annuities, but the first report from the responsible Indian Agency found them "very healthy." The nature of these objections and existence of compromises is not noted. Honigmann's view of the treaty mirrors the written version:

> As the result of signing this treaty the people gave up a designated tract of land in exchange for an allotment of 160 acres to each Indian. In addition the chief received a present of $32, the headman $22, and each Indian $12 at the time of treaty. Thereafter annuities were to amount to $25 to each chief, $15 to each headman, and $5 to each Indian. Chiefs and headmen would also be supplied with a suit of clothes every third year. In addition the Dominion Government promised to provide teachers for the people as well as implements, cattle, ammunition, and twine. (Honigmann 1946:33)

June Helm and the Slavey of Tthek'edeli

June Helm is considered a preeminent ethnographer of Dene: Slavey, Hare, and especially Dogrib (Helm 1961, 1968, 1981b). She began in the early 1950s at the Slavey community of Tthek'edeli (Jean Marie River), which she named "Lynx Point" to protect her informants from negative consequences of the research and publication in 1961 of *The Lynx Point People: the Dynamics of a Northern Athapaskan Band.*[12] Her research was ongoing in the 1960s and 1970s, her focus shifting to the Dogrib Dene and to questions of social and political organization of Dene in general. She continues to be active in anthropology into the 1990s and published an account of the Dogrib prophet movement in 1994, based on research from 1959 to 1976 (Helm 1994).

During the 14 month period comprising her research data at 'Lynx Point' in 1951-52, Helm spent six months[13] there while her colleague Teresa Carterette remained for the entire time "at some personal and financial sacrifice," serving as a teacher at the request of the community (1961:v). She identified as her primary informants six men of one family, focusing on one man, an important figure in the community, and only one woman. Children proved to be valuable informants as well. Helm's reasons for relying primarily on male informants related to her assumptions and her research interests in economy and band structure: "Since the behavior of the adult males is the more important in the 'political' and economic structure of the community, it holds more interest for us in this matter" (Helm 1961:51). Like Honigmann, Helm found that translation posed some difficulty in the predominantly Slavey-speaking community.

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[12] As Helm wrote in the introduction to *The Lynx Point People ...*: "All the names of Indians in this monograph are pseudonyms, as are also the name of the community under investigation and names of localities in the immediate environment. This, however, hardly resolves the ethical problem of the protection of the informants, a protection which is necessary, not because of the White authority that might be visited upon them, but because of their own anxieties of being talked about. Since it is not difficult for anyone congnizant of the Mackenzie River region to identify this kin-community and the particular individuals discussed, I can only hope and request that every reader will see that none of the data given here is publicized or disseminated in the area in which the study took place." (1961:5) I have used the actual name for the communities, including Jean Marie River, in this work as there is no longer a need or advantage in maintaining the anonymity of the community for at least two reasons: Helm's work is now known in the community and region; and, Dene are now concerned that they be much more extensively involved in all aspects of research and writing about themselves.

[13] Helm later determined the duration of her research in Jean Marie River was 6 months (Helm's testimony in *re Paulette's caveat* 1973:539).

Helm was aware of the work of Osgood in the 1930s and Honigmann in the 1940s when she was conducting her own research. Her description of Slavey Dene focused on ecology and economy, kinship and band organization, and the history of the community, highlighting a particular series of business endeavours she yclept the "Lynx Point Venture". To a degree, she also investigated culture and personality. Her characterization of Slavey emphasized certain attributes: the unpredictability of food and fur supplies and the external economy and the effects these had on other aspects of Slavey life, the relationship between the bush and cash economies, the history and composition of the community (kinship and band organization), religious beliefs and personality and culture. Helm identified instability and unpredictability as strong determinative factors in Slavey life and social institutions, and pointed toward two sources for this uncertainty, unpredictability of food animals and fluctuation in fur prices:

> In sum, we may say that the Lynx Point people do not always obtain as much food from the environment as they need or desire and, also, that they have no assurance that their needs will in the future be filled. The food supply for next month or next year is always unpredictable. ... The living standard of the Lynx Point Indians is heavily dependent upon a capricious and fluctuating fur market. Outside of trapping, the financial opportunities to be found in the White settlements are few, and far from golden. Most Indians must trap for a living, whether they like it or not. And in their trapping, the population cycles of the fur-bearers and the limits on the catch that the authorities impose in consequence of population decline of fur-bearers provide another element of insecurity.
>
> (Helm 1961:34, 41)

In response to this insecurity and quest for basic survival, ethnographic accounts emphasized flexibility and "fluidity" pervading Dene culture, along with autonomy as an underlying motif (Helm 1961:175). Helm identified both fluidity and autonomy as key factors in determining Slave social groupings.

In the mid-1950s, Julian Steward proposed that Mackenzie drainage Athapaskans were organized into 'composite hunting bands' of several hundred people, aggregations made possible by "large herds of migratory musk-ox and often of caribou in much of the area" (Steward 1955:147). Helm disagreed with Steward's analysis, noting that these groupings represented maximal numbers gathered for certain specific economic endeavours or resulted from misinterpretation of historical records. She suggested that:

> Had there been available to Steward sufficient and reliable information on Northeastern Athapaskan socio-territorial groups and groupings, I believe he

would have classified these Dene, along with the Great Basin Shoshoneans, as "an example of the family level of sociocultural integration." (Helm 1965:382f).

Instead, Helm advanced a number of alternative analytical categories for Dene social aggregations: 'task groups', 'local bands' and 'regional bands'. She defined the 'task group' as a group of from two individuals to a number of families organized for a specific economic pursuit (Helm 1965:378). This category she added to those of local band and regional band. She saw these categories as integrated through the basic feature of Dene society: "fluidity."

> The principle of social linkage by bilateral primary bonds from one conjugal pair to another allows such fluidity in social alliance that structurally clean-cut or bounded units, clearly separable from one another and from other types of units, cannot be discerned. The shifting and fluid nature of Dene socio-territorial alignment is pointed up even further when the attempt is made to distinguish bands from other forms of spatially distinct groupings.
>
> (Helm 1965:378)

Task groups, potentially the smallest or briefest in duration of the aggregations, form to perform a specific (economic) task or utilize a "seasonal resource". A local band was generally a larger grouping of longer duration, although large task groups could approximate the size and duration of local bands under certain conditions, such as in good fishing locations or during caribou migration (Helm 1968:118). Regional bands existed for longer time periods depending on the frequency of periodic famines. Neither Helm nor Honigmann ascribed much importance to larger groupings, such as the 'tribe'. Yet at least three significant attributes attach to tribes by this definition: language, land tenure and (potentially) marriage. As well, Helm did not identify a locus of land ownership in a political sense in any of her divisions.

> Tribes have not been considered, except to indicate that there are, in the present day at least, groups of people who know themselves and are known as "Dogribs," "Hares," "Slaves." On the basis of duration and the mode of attainment of membership, these four general sorts of socio-territorial groups may be ranged along a continuum—from task group to local band to regional band to tribe. ... At the other extreme is the "tribe,' as a socio-territorial entity exhibiting the greatest duration and with recruitment, in the sense of a conscious decision to affiliate, at a minimum. One joins a task group; one is born into, and ordinarily remains a member of, the tribe. (Helm 1965:378)

Helm saw that the tribe is of little importance in the day-to-day life of the people, and, in a footnote on Dogrib socioterritorial groups, suggested it had little significance in reality:

> ... I shall ignore the difficult problem of what, if anything, constitutes a 'tribe' in such a simple society as the Dogrib. I suggest that in structural terms the 'tribe' may be defined as the greatest extension of population throughout which there is sufficient intermarriage to maintain many-sided social communication. (Helm 1968:118)[14].

Following from her interest in band organization and kinship, Helm described the history of the creation of the band-community of Lynx point, determining that the core of the community consisted of a group of men (a man and his son, his unmarried brother-in-law and step-son, and another man who married into the group through the wives' line). She traced the development of the community from this core. The basic operating principle of the community is cohesion: "the component members are woven together in a relationship of blood and marriage." (Helm 1961:48). As for marriages, she stated "The local group *per se* has rules neither of exogamy nor of endogamy..." with the caveat that "...one's kin relationship to the fellow-villager must be taken into account when considering an intra-community marriage." (Helm 1961:49). Interestingly, she described what could be interpreted as a tendency toward band endogamy "[k]inship considerations disposed of, the factors of propinquity and familiarity apparently operate to encourage marriage within the community, especially in the case of second marriages" while presenting data showing a strong inclination toward local band exogamy. She attributed a tendency toward exogamy on the part of Lynx Point to "the lack within the community of persons of the opposite sex of the requisite age, unmarried status, and kinship distance" (Helm 1965:370), referring to a preponderance of parallel cousin relationships. Helm hypothesized that these are capricious circumstances and drawing on one Dogrib community, Marten Lake (Lac la Martre), found it likely instead that "in a group of sufficient size to allow selection, marriages are frequently endogamous" (ibid). She summarized,

> The bush community, then, is characteristically a bilocal extended family, and, as such, it is apparently a more stabilized, permanent version of the earlier,

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[14] VanStone echoed Helm's view of 'tribe' in his synthesis of Athapaskan social institutions. However, he approached the question of land ownership by noting 'territory' as an attribute found at the 'tribal' level: "We have already noted the absence of any concept of group identification beyond that of territory or language, but each of he identified groups is divided into subgroups, and it is these subgroups rather than the larger enclaves that have social meaning to the people themselves. While such names as Ingalik, Kutchin, Dogrib, or Slave had no social reality to the people involved, the subdivisions had not only territorial and possibly linguistic significance, but their membership included people who had frequent face-to-face contact with one another, who travelled and lived together, and who shared reciprocal obligations toward one another." (VanStone 1974:43)

> semi-nomadic hunt-band[15]. This band-community is the largest social unit in which intimate, face-to-face relationships of long association obtain between all members. (Helm 1961:49)

The question of whether Slavey (and Northeastern Dene generally) employed a bilateral or unilineal system of descent was of key significance to Helm. Drawing on data from Slavey, Dogrib and Hare communities, she was later to enter into detailed discussions on the topic, disagreeing with theorists such as Steward and Service, described below. To summarize, she considered it likely that recurrent famine/disasters mitigated in favour of systems of band organization and kinship emphasizing "multiple kinship avenues" (citing Goodenough) to group affiliation (Helm 1965:381). Further, she posed the generalization that periodic, cyclical starvation would favour the development of bilateral systems of affiliation over unilineal ones (ibid., 382).

Helm's other main interest was kinship and her discussion of the Slavey kinship system upon which 'Lynx Point' and, presumably, other band-communities, are formed was particularly interesting for the "confusion" she reported (echoing Honigmann) on the part of the Slavey themselves:

> A consistent picture of kinship terminology was not obtained from informants. In some areas of kinship classification, there was complete agreement; in others, informants contradicted one another in terms given, or professed ignorance or uncertainty as to the correct terms. (Helm 1961:55)

A key locus of confusion is in the area of cousin terms: "[m]ost of the confusion or ignorance lay in the terms for collateral relatives of the first and second descending generations and in the designation of cross-cousins" (Helm 1961:56). Helm suggested a number of reasons for this uncertainty, including "the likelihood that the terminology system is in a general state of change or decay" (ibid), possibly assisted by missionary efforts (1961:66), and the absence of a "full compliment of relatives standing in all the possible different kin relationships" such as, "by ill luck", a totality of parallel cousins and no cross cousins[16].

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[15] I am unclear whether, when describing stability and permanence, she is referring to membership or residence.

[16] Parallel cousins are the children of the same-sex siblings of one's parents, i.e., one's Mother's Sisters offspring or one's Father's Brother's offspring. In a Dravidianate or bifurcate-merging kinship system, these cousins are considered kin and referred to and treated in the manner of one's siblings. Cross cousins are the children of one's parents' opposite sex siblings: Mother's Brother's children or Father's Sister's

Additionally, Helm attributed the confusion to lack of common usage of kin terms, reflecting uncertainty particularly concerning proper terms for siblings' children, and regional variations in kin terms. Contrary to the information of her informants, Helm speculated that there may be differences in kin terms depending on the sex of informant (ibid.56-57). She also allowed that some uncertainty may result from limitations in Slavey language skills on the part of the interrogator, however, "it appears that today what a Slavey calls his cross-cousin, if name him he must, is anybody's guess" (ibid 62). Helm summarized the principles of the kinship system of 'Lynx Point' as she understood them: In the first ascending[17] and ego's generation, bifurcate-merging terminology is used, whereby parallel relations are differentiated from cross relations through recognition of the sex of both relatives, i.e., Mother's Brother and Father's Sister (cross) versus Mother's Sister and Father's Brother (parallel). In the second descending and ascending generations (the 'great' generations), merging but not bifurcation is employed, meaning that the cross/parallel distinction is dropped and there is a tendency to lump categories such that "the spouse of anyone standing in the 'mother' relationship is 'father,' and vice versa." (1961:64). In the first descending generation, Helm found the data too contradictory to generalize (1961:66).

As far as marriage patterns are concerned, Helm found no preferential rules favouring institutions such as cross-cousin marriage, which she speculated were the result of missionary-induced acculturation, as would 'confusion' that lumps cross cousins with parallel[18] (1961:66). One informant suggested that "it is better to marry some relative rather than a stranger", possibly referring to a distant affinal relative, perhaps from a different community (ibid. 67). Helm noted that parallel cousin marriage was proscribed and there was temporary matrilocality for the purposes of bride service (ibid.). People tended to be aware of broad networks of kin moreso than of great depth of kin connections over time (1961:69).

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children. In bifurcate-merging systems, these cousins are affines and hence potential (or preferred) marriage partners.

[17] The first ascending generation is that of ego's parents and parents' siblings. The second ascending generation would be that of ego's grandparents and their siblings. Similarly, the first descending generation would consist of ego's children, ego's siblings' children, etc., while the second ascending generation would be ego's grandchildren and their siblings' grandchildren, etc. Ego's generation would include ego's siblings. The convention in describing kinship systems is to assume a male ego unless otherwise specified.

[18] Alternatively, this lumping can be seen as an assertion of the importance of residence rules over kinship in the preference for local band exogamy. (Asch 1988)

With regard to Slavey social institutions generally and political organization specifically, Helm stated:

> The lack of complexity of northeastern Athapaskan institutions is nowhere more striking than in the realm of socio-political organization. Our paucity of information in this realm must therefore be attributed not only to the scant number of interested observers but to the fact that there was so little to meet the eye, especially of a formal or regularized nature. (Helm 1961:166)

Helm found that many Slavey (and northeastern Athapaskan) institutions generally were of an extremely diffuse nature, and cited socio-political organization as an example:

> If the realm of the political in Northeastern Déné society is to be considered capable of investigation at all, it must be conceived very broadly. Accordingly, any social group beyond the nuclear family is here considered to have a political aspect whenever there are present aims, interests, and concerns predicated in terms of that group—i.e., policy—that are accompanied by actions, co-ordination and role and power differentiation, however slight, within or by that group designed to promote those ends. (Helm 1961:166, quoting MacNeish (Helm) 1956a:132)

She also noted that social-political organization focused on small groups rather than larger assemblages of people:

> The tribe, the macrocosmic group, and the total kindred are of only minor significance in the present problem. The tribe and the macrocosmic group were never very important in Athapaskan life. The macrocosmic group (or, as he terms it, the "macrocosmic band") is a distinction made by Honigmann to refer to regional groups within a yet greater regional group, the tribe. Both of these classifications are in large part constructions of the anthropologist. (Helm 1961:167)

Helm suggested that the "more or less vague sense of affiliation" (ibid.) that Dene feel toward larger units of Dene was likely even more vague in the past:

> At the tribal level, ... we know that in earlier days the lack of sense of affiliation with, or, more emphatically, the sense of being in opposition to certain other groups was sometimes actively manifested in hostilities against others. This negative expression is the nearest thing to political behavior that we have ... In any event, it is plain that consistent or all-inclusive tribal-wide co-ordination or integration in regard to external relations was not the case. This condition has its parallel in the lack of any sort of actions, co-ordination and role and power differentiation regarding intra-tribal matters. The tribe had no internal affairs in the political sense. ... To all knowledge, even the government invention of regional "chiefs" and councils, has so far effected no significant change or innovation in the political orientation of these Athabascans at the regional or tribal level. (Helm 1961:167, quoting MacNeish (Helm) 1956a:133-135)

Helm noted the link between socio-political organization and kinship, the latter being the mechanism for the formation of social units if not the expression of their internal organization.

> In Northeastern Athabascan society, however, the main significance of kin affiliations, politically speaking, is that they serve as the "in," the entrée to band units. Bilateral descent is the rule in Northeastern Déné society, the kindred being the resultant kinship unit... The kindred has no "shape" or boundaries and, as a correlate, no political manifestation such as kin leaders or power hierarchies, or collective interests, activities or goals. (Helm 1961:168, quoting MacNeish (Helm) 1956a:134-135)

She identified two types of group in her work with the 'Lynx Point' people:

> There were apparently two sorts of group. First there was definitely the basic unit, the band—a group of people who traveled and camped together, sharing the take of large game in common. ... The group was ... relatively unstable; personnel altered and bands fragmented and coalesced ... these bands were composed of kindred, in all likelihood with a linkage of primary relations extending between all the families composing the small bands...
> ... The other type of grouping was intermittent and brief in nature; it was also characteristically larger than the band, drawing for its personnel either selected members from several bands or several band complements in their entirety. The several varieties of this type of grouping I have called macro-assemblages... (Helm 1961:168, quoting MacNeish (Helm) 1956a:135-138)

Helm did not describe overt political aspects of these groupings, other than that the sociability of macro-assemblages enables members to change bands. As far as a political component is concerned, her central thesis was:

> It is plain the ultimate locus of power and decision in Athabascan society was in the largely unorganized sentiments and opinions, coupled with not always effective diffuse sanctions, of the social body as a whole. These probably found their most effective expression at those times when the adult men of a group informally came together to discuss news and views of current events and problems, even as they do today.... In this unstructured milieu of group "government" by consensus and custom the only differential in role and power to be discerned is in the figure of the leader. (Helm 1961:169-170, quoting MacNeish (Helm) 1956a:138-140)

Helm discussed issues such as leadership (e.g., 1956; Helm and Gillespie 1981) and political (band) organization (e.g., 1965) in greater detail in other works. The implications and academic milieu of these will be examined in a later chapter.

Anthropologists studying Dene were aware of research conducted simultaneously with other subarctic peoples and drew comparisions between Athapaskans and members of other linguistic/cultural groups. Helm addressed

the theme noted by Hickerson (1967) for northern Algonkians of 'atomism', drawing as well on historic and ethnographic accounts.

> There is in Slavey life a constellation of traits of behaviour and sentiments in which a common motif may be discerned; this I have chosen to term the cultural theme of autonomy. It is suggested by the very minimality of the forms considered in the foregoing section and by some of the earlier observers' ventured pertinent generalizations. ... In recent years, for the Fort Nelson Slave, Honigmann has recognized "individualism" as an enduring value, contributing, at the societal level, to "social atomism." (Helm 1961:174)

Helm mentioned the Treaty (Treaty 11), in passing, and the Indian Act system of governance established by the federal government:

> The Indian population living around each fort along the Mackenzie, and trading there, is designated as a "band" by the government. Each "band" has a chief, and several subchiefs or headmen. ... Each year each Indian receives five dollars from the Federal Government as "Treaty money," and chiefs and subchiefs receive twenty-five dollars and fifteen dollars, respectively. This is in accord with the provision of the Treaty of 1921, which established their present status. Today, to pay "Treaty," the Indian Agent whose headquarters is at Fort Norman near Bear Lake, visits each fort in the course of the summer." (Helm 1961:13)

She observeed the Treaty payment of five dollars annually and the celebration of former times to be increasingly irrelevant:

> ...In former years, the payment of "Treaty money" was an important event that drew most of the surrounding population to Simpson. According to the Indian Agent, interest in the event has declined somewhat; recent government orders restrict the donation by the Agent of flour, lard, rice, tea, and other comestibles for the preparation of the post-Treaty feasts and dancing, and the Agent predicts that this will further lessen the interest in Treaty. Certainly for a decade or more the five dollar Treaty payment has been of financial interest to only the children and perhaps some women. A week's stay in Simpson will consume, in foodstuffs alone, a family's Treaty money. ... The social highlights of the time around Treaty are the "tea dances." ... (Helm 1961:19)

As quoted in the introductory chapter, Helm testified before the *Paulette caveat* proceedings in the Northwest Territories in 1973. There she summarized her understanding of the meaning and significance of the treaties which, like Honigman's, was drawn primarily from the written text as well as her research with the Slavey, Hare, and, in large part, Dogrib. She described how she began to speak on the subject of treaties "when the Indians began to talk about it to me" in 1967 (*Paulette caveat* 1973:569). Their comments began with complaints

about the imposition of hunting and trapping regulations, followed by their serious concern about the land:

> I had read the Treaties and I was aware of the contents. Part of that time, I had heard complaints from the Indian people relating to restrictions on game and shooting of ducks and saying that we were told that we would never have these restrictions and now we have got them and we are complaining. Then, in 1967, ... is the first time I became aware of this was at Fort Rae when Mr. Ogden approached me and he was in charge of Indian Affairs. I was not aware that he had a gathering or a meeting at the Chief's house in Rae. But the next day I encountered his Dogrib friends who said they have started to talk about land and they are talking about putting us on a reserve and they said "we can't live like this, what is this," you know. There were expressions of distress. Then, Mr. Ogden was at Treaty that year and he said to me that we did refer to the land issue and more would be coming up later.
>
> (Helm in the*Paulette caveat* 1973:569-570)

Helm was asked to give her conclusion regarding the Dene understanding of the Treaties, based on her field research and documentary evidence.

> I have drawn two kinds of conclusions. There are those directly communicated to me by the Indians and those which in my understanding of their culture the Indians could or could not understand. The complaints I heard prior to 1967 relating to the Treaty were that its provisions never had anything to do with the land. It was never mentioned by Indians that land had anything to do with the Treaties. It was mentioned very frequently thereafter with expressions that "we did not know, nobody told us we were giving away our land". "We would never have done it, had that been the case". Men said to me "I was at the Treaty, and I didn't hear anything". And other men said to me "I didn't know anything about why the Chief was appointed". So that, and I am sure that this is with complete honesty, the people have expressed shock at something new and unknown to them. ... It was not understood before, and I understood in previous years, although I did not bring this up with them and I wish I had brought it up before now feeling a sense of responsibility, even in 1960, in reading the treaty with others as well as myself, how could anybody put in the Athapaskan language through a Metis interpreter to mono-lingual Athapaskan hearers the concept of relinquishing ownership of land, I don't know, of people who have never conceived of a bounded property which can be transferred from one group to another. I don't know how they would be able to comprehend the import translated from English into a language which does not have those concepts, and certainly in any sense that Anglo-Saxon jurisprudence would understand. So this is an anthropological opinion and it has continued to puzzle me how any of them could have understood this. I didn't think they could have. That is my judgment. (Helm in the*Paulette caveat* 1973:570-572)

If Dene understood the Treaties not to be about land surrender as stated in the written text, what did they believe they were about? Helm responded:

> ...on the face of the terms of the Treaty, they were told that they would be able to hunt off the land and fish forever, as long as the sun rises and the river

> doesn't stop running and "now they are interfering with our hunting". The other statement is "why did you sign this? What did they ask you to do?" and the answer was that "we want to make sure that everything is going to be peaceful", and that when the Doctor Jeckyll and Hyde people come in, there will never be any trouble, and the Indians were agreeable that the Indian people and the whites should never have any trouble and that is, you might say, the only positive reason the people thought the whites wanted them to sign. They thought they would always be able to hunt and fish, and it turned out to be a misunderstanding. (Helm in the*Paulette caveat* 1973:572)

Thus, Helm suggested the Treaties could not have been understood by the Dene at the time, due to language and translation difficulties with fundamental concepts not part of Dene culture. Further, given that Dene couldn't fully appreciate the terms of the Treaties and were thus operating under a misunderstanding, in Helm's view, the only objective they attributed to the Treaties was peace and friendship.

Later Ethnographers: Michael Asch on the Slavey of Pe Ts'éh Kí

The third anthropologist to conduct major ethnographic work with Slavey was Michael Asch, who worked in the community of Pe Ts'éh Kí (Pehdzeh Ki[19] or Wrigley) for one year from 1969 to 1970, producing a doctoral dissertation in 1972 which was published in 1988 as *Kinship and the Drum Dance in a Northern Dene Community*. Although providing much ethnographic information, Asch's work is not strictly a 'classic ethnography' in the manner of Helm or Honigmann, as his central focus was ethnomusicology, to develop "an understanding of the elements of sound significant to a culture" (Asch 1988:vii). Asch also studied social organization and kinship, particularly the elements of binary opposition ("Dravidian-type" or bifurcate-merging) in Slavey kinship systems, where he contradicted some of Helm's analysis (Asch 1988:ix). Asch's monograph does not provide the degree of detail regarding methodology and informants of Honigmann and Helm, although he acknowledges thirteen Slavey (seven men and six women).

Asch began his description with the physical environment of the region around the community of Pe Ts'éh Kí, followed by a brief historical note and a chapter describing economic life "based primarily on hunting, fishing, trapping,

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[19] For consistency, this more recent form will be used herein.

and cash income from wage labour and transfer payments" which he likened to a subsistence family farm in that "economic security depends on an adequate supply of resources from the non-cash sector and minimal demands for resources from the cash sector" (ibid., 15). Asch differed from Honigmann in the elements he considered significant to the continuation of Slavey society, placing far less emphasis on the material culture. He described how Pehdzeh Ki Slavey derived income and resources from a number of sources, finding, like Honigmann, that Slavey were experiencing some economic difficulty that could ultimately have a deleterious effect on Pehdzeh Ki Slavey society:

> ... all Pe Ts'éh Kí households are able to adapt, with differing degrees of stress, to an economic orientation that has developed since the move into town. However, it can also be seen that the most successful adjustment has been made by those households that have sufficient members to cover all the needs. ... Therefore, in Pe Ts'éh Kí it is just barely economically feasible to begin a new household, even if one has a full-time permanent job. This provides a significant impediment to marriage and the establishment of new households. Hence, the specific economic adaptation, while successful in the short run, discourages the actions necessary to achieve the long-term objective—the successful reproduction of the social system as a whole. (Asch 1988:33)

Historically, the settlement of Pehdzeh Ki was moved twice since its establishment in 1877, the most recently in 1966 (ibid., 9). Pehdzeh Ki consisted of 14 households at the time of Asch's work (compared with 11 in "Lynx Point"), derived from a number of local bands that would not have been part of the same group when they lived in the bush but who were now neighbours (ibid., 35).

Asch offered alternative explanations for some of the observations of Helm and Honigmann. For example, in the area of kinship, he interpreted the preponderance of parallel cousins differently, as part of a system favouring groups of real or classificatory brothers married to similar groups of sisters. The result of this system would be that all the children of the first generation born to this grouping would be parallel cousins, precisely what Helm observed. Additionally, differences over whether cross-cousins would be seen as potential marriage partners, thereby upsetting the brothers-married-to-sisters system, or changed into kin or parallel relatives (unmarriageable) by emphasizing other kin links is the problem Asch described for Pehdzeh Ki following the coalescence into one community of formerly separate bands comprising a marriage isolate. (Asch 1988:55-57).

Like his ethnographer predecessors, in 1969-75 Asch was not centrally concerned with the treaty relationship, only mentioning Treaty 11 in his publication in the context of a group of Pehdzeh Ki people, the Mountain People, who moved to the Yukon at the time it was negotiated (Asch 1988:50). However, he did conduct interviews on the treaties as part of his research and later reexamined the area of Dene treaties in greater detail (e.g., Asch 1984:59-63).

Asch was interested in interpreting how the kinship and marriage system he observed worked to promote solidarity within social groups, as evidenced by means such as successful drum dances. At the time of his research and analysis (1969-1975), he saw that "For the event to progress, the outcomes of these exchanges must emphasize cooperation—a fundamental quality perceived as necessary to create a sense of community" (Asch 1988:94). From a later perspective, Asch felt that the sense of solidarity as a community could have long-term negative results by decreasing the possibility for marriages within the community. Further, this solution emphasized internal reconfigurations and change alone to solve externally generated problems:

> In Pe Ts'éh Kí in 1969-70 little attention was directed toward resolving external causes of problems faced by the community, such as government policy, although people would discuss government betrayal of solemn treaty agreements. They were also aware that the government had reneged on more recent commitments of free rent, water, and wood, promised as incentives for the move to Pe Ts'éh Kí. ... Perhaps because government seemed so distant and so powerful, the focus of adaptation in 1969 was primarily on community resources. The people of Pe Ts'éh Kí seemed to accept the imposed conditions as determinants with which they had to cope.
>
> By the mid 1970s, the Dene Nation, and the Pe Ts'éh Kí people in particular, had changed. They were aware that the solution of the negative aspects of their current economic, social, and political situation required fundamental change in their relationship with the Canadian state and its development policy. By this time the anger of the few and the rarely expressed unease of the many had been transformed into actions, such as a blockade to stop mineral developers from moving into the Pe Ts'éh Kí area and a decision to oppose the continuation of the all-weather highway from Fort Simpson to Pe Ts'éh Kí. This has been followed by a continuing opposition to the Mackenzie Valley Pipeline, and by the demand for self-government. (Asch 1988:96)

Like Helm, Asch attributed his awareness of the critical issues to the Dene themselves. He refered to the formation of the Indian Brotherhood of the Northwest Territories (later the Dene Nation) and success in *Paulette caveat* in demonstrating that the accurate version of the Treaties is Dene oral history, not

the written version, and the assertion of Dene rights through the Dene Declaration of 1975 (ibid., 97). "Clearly, the Dene communities were at last confronting the primary external agents of change: the Canadian state and the corporate developers," and thus by "... renegotiating with them on basic economic, social, and political matters, the Dene are seeking a permanent solution"(ibid.).

In his work with the Dene in the 1970s and beyond, Asch employed different theoretical constructs, such as mode of production analysis, in order to highlight the relationships between Dene bush-subsistence activities and industrial resource development and other intrusive economic pursuits on Dene society (e.g., Asch 1982:362-368). He has written extensively on aboriginal rights, self-government, and the relationship between Dene and other aboriginal peoples and the Canadian state (e.g., 1984, 1990). As appropriate, these will be discussed below.

Conclusion

The summaries of the 'classic' ethnographies of Honigmann and Helm, and, more recently, Asch are intended to provide "baseline" anthropological information about the Slavey Dene. Analysis and theoretical contexts of this information follow.

To summarize, the original ethnographies of Slavey abstracted a number of qualities of Slavey social and material life. All three researchers found the local band or community formed the most important economic, social and political unit, and Honigmann and Helm suggested that the macrocosmic tribal or national level had little significance. The classic ethnographies stressed the importance of individualism, stemming from economic life, and saw this as inhibiting the development of authoritarian leadership. They found actual political organization difficult to perceive and understand, and Helm suggested that this derived in part from a lack of political institutions in Slavey society. Periodic shortages were seen as a factor in the Slavey economy resulting in flexibility and fluidity in social organization. Honigmann and Helm reported "confusion" in the kinship system, and both attributed this to acculturation (particularly the influence of missionaries), while Asch saw different principles at work whereby local band

exogamy operated to modify a bifurcate-merging system such that it might erroneously appear contradictory. None of these ethnographers attributed much significance to the Dene treaties, Treaties 8 and 11, their interest ranging from the meagre cash inputs of annual treaty payments (Helm) to acceptance of the written treaties as the mechanism whereby Slavey, along with other Dene, lost sovereignty over their lands (Honigmann), until Dene provided their perspective.

2b. Dene Treaty history

Introduction: Treaties in historic documents

The baseline ethnographic information about Dene in general, and Slavey specifically, says little about their treaties and describes certain features of their societies that suggest they may not have been capable of understanding such agreements. The treaty documents themselves are formulaic and spare, and passages such as the Commissioner's report for Treaty 11 suggest there is much more to the agreement than what is contained in the document. Written transcripts of previous interviews with Dene regarding treaties, such as those compiled by TARR projects in northern Alberta, the proceedings of the *Paulette caveat*, and testimony before the Berger inquiry, are unequivocal that the negotiated agreement is different from what is recorded in the written text of the treaties on a number of major points. For example, both oral and written evidence indicate Treaties 8 and 11 were not about settlement and agriculture. Such is the wealth of data about the actual negotiations and the nature of the negotiated agreement that court decisions in the *Paulette caveat* supported the unextinguished nature of Dene land rights. What, then, do documentary sources say about the events surrounding the treaties, particularly Treaty 11, and about the nature of the Treaty agreement that was negotiated?

Unlike the ethnographic record, there is a fair body of information on Dene treaties published in historic accounts, archival records and previous oral history research projects. Due to historical and geographical circumstances, Dene treaties were signed only in the past 100 years: Treaty 8 in 1899 and Treaty 11 in 1921. Because the events surrounding their negotiation are relatively recent, it has been possible to an unusual extent to interview participants, observers and their successors to gather an extensive oral history reconstructing the nature of the

treaties. The testimony of people who were present at the negotiation of the Treaty, or, more recently, of those who were given these stories, has been collected and documented from at least the 1930s to the present. Their testimony has been supported and supplemented by that of non-Dene observers, such as Métis interpreters at the Treaty negotiations, RCMP observers, traders, missionaries, and the Treaty Commissioner himself.

Treaties 8 and 11

The northern treaties—Treaties 8 and 11—are in certain respects unique among Canadian treaties. Unlike treaties in the southern 'fertile belt', serious pressure for land for great numbers of Euro-Canadian immigrants, and the ensuing assault on the Aboriginal economy, was not an impetus for negotiations. In fact, at the places and time both of these treaties were negotiated—1899 and 1921 respectively—most of the land was part of the Northwest Territories (which included what are now the provinces of Alberta and Saskatchewan until the settler population formed provincial governments in 1905). Like the southern treaties, both Treaties 8 and 11 were intended by government as vehicles for extinguishing aboriginal title, but the motivation in the north was control over the vast 'resource hinterland.' Nonetheless, the land cession portions of the written versions of these Treaties is virtually identical to that in other treaties, even though their context is markedly different. In fact, according to the "late Lieutenant-Governor of Manitoba, the North-West Territories and Kee-wa-tin," Alexander Morris, all 'numbered treaties' stemmed from the same model:

> The treaties are all based on the models of that made at the Stone Fort in 1871 and the one made in 1873 at the north-west angle of the Lake of the Woods with the Chippewa tribes, and these again are based, in many material features, on those made by the Hon. W.B. Robinson with the Chippewas dwelling on the shores of Lakes Huron and Superior in 1860. (Morris 1880:285)

The federal government's impetus for negotiating Treaty 11 with Dene of the NWT was similar to that of Treaty 8: to acquire sole title to resource-rich lands.[20]

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[20] Dene of the NWT south of Great Slave Lake were signatories of Treaty 8 in 1899, prior to the creation in 1905 of the provinces of Alberta and Saskatchewan, and Treaty 11 in 1921. Treaty 11 covers the area north of Treaty 8 in the Northwest Territories, from the 60th parallel north to the Fort McPherson area of the Mackenzie Delta, west to the Yukon border, and east to the barrenland country of the Dogrib and Chipewyan. The area south of Great Slave Lake in the NWT is part of Treaty 8, as are lands now part of British Columbia, Alberta, and Saskatchewan.

The resource potential of the Mackenzie region was noted by early explorers such as Mackenzie in 1789, and later confirmed and expanded upon by the Geological and Natural History Survey of Canada in the 1880s (Fumoleau 1975:39,152). In 1891 a Privy Council Report indicated that the Canadian government was altering its lack of interest in the Athabasca–Mackenzie District:

> On a report dated 7th of January, 1891, from the Superintendent–General of Indian Affairs, stating that the discovery in the District of Athabaska and in the MacKenzie River Country, that immense quantities of petroleum exist within certain areas of those regions, as well as the belief that other minerals and substances of economic value, such as Sulphur, on the south coast of Great Slave Lake, and Salt, on the MacKenzie and Slave Rivers, are to be found therein, the development of which may add materially to the public wealth, and the further consideration that several Railway projects, in connection with this portion of the Dominion, may be given effect to at no such remote date as might be supposed, appear to render it advisable that a treaty or treaties should be made with the Indians who claim those regions as their hunting grounds, with a view to the extinguishment of the Indian title in such portions of the same, as it may be considered in the interest of the public to open up for settlement.
> (Canada, Privy Council 1891 in Fumoleau 1975:41)

Despite these recommendations, it was not until the Klondike gold rush of 1897-98 that the government sought to negotiate Treaty 8 with Cree and Dene of what is now the northern parts of British Columbia, Alberta, Saskatchewan and the region south of Great Slave Lake in the Northwest Territories. The oil strike at Norman Wells in 1920 prompted the government to seek Treaty 11 with Dene of the Mackenzie valley. As F.H. Kitto, Dominion Land Surveyor reported:

> The non-treaty Indians north of Slave lake and on Liard river number about 3,500. The recent discoveries of oil at Norman have been made on lands virtually belonging to those tribes. Until treaty has been made with them, the right of the Mining Lands and Yukon Branch to dispose of these oil resources is open to debate. Chiefs of these tribes are aware of their position and claim that until the government makes treaty with them they should not be expected to observe our game laws or to part with their oil lands. The extension of Treaty No. 8 to include all Indians to the Arctic Coast should be proceeded with immediately. (F.H. Kitto, 1920 report in Fumoleau 1975: 159)

Henry Anthony Conroy, the Inspector for Treaty 8 from 1902 to 1922, was chosen as the Treaty Commissioner, and Bishop Breynat of Fort Resolution was invited to accompany the Treaty party. Both had earlier expressed their opinion that the Indians of the region required assistance and that signing a treaty was the best solution to their needs. However, from the outset, the government sought to eliminate their actual ability to negotiate by providing beforehand "an

engrossed copy of the proposed treaty" and seriously limiting the commissioner's authority:

> You should be guided by the terms set forth therein and ... no outside promises should be made by you to the Indians.
> (McLean to Conroy, 13 May 1921 in Fumoleau 1975:163)

The Treaty 11 party arrived in the north in the summer of 1921. The first stop was Fort Providence. The Commissioner and party arrived on June 20, earlier than scheduled, and Dene living at Willow River and Trout Lake arrived from June 25 to July 2. The commissioner reported that a number of meetings were held, and the Treaty was signed on June 27. The party left Providence on July 7 and travelled to Fort Simpson , where the Treaty was signed on July 11. From there, the Treaty was signed in Wrigley on July 13, Fort Norman on July 15, Fort Good Hope on July 21, Arctic Red River on July 26, Fort McPherson on July 28, and Fort Rae on August 22 (Canada 1957:3-4). Fort Liard was not visited until 1922. The Indian Agent from Fort Simpson, T.W Harris, was appointed Treaty Commissioner following the death of Conroy that spring, and an adhesion to Treaty 11 was signed at Fort Liard on July 17.

Conroy and Bishop Breynat were apparently both concerned with the welfare of Dene in the north, and Breynat in particular was instrumental in persuading Dene that the Treaty described to them was truthful. However noble their intentions may have been, it appears likely from his own brief report the commissioner exceeded his mandate and negotiated unauthorized terms and concessions in order to achieve an agreement, and likewise Bishop Breynat overestimated his influence in guaranteeing the negotiated terms would be honoured. Their methods have been criticized:

> The weight of Fumoleau's evidence, particularly the consistency of Native accounts of the haste of the negotiations, lack of substantive discussions and repeated promises concerning Native hunting and fishing rights, suggests that Treaty Commissioner Conroy and his party were determined to secure Native adherence to Treaty Eleven, but were less concerned about the niceties of actual negotiations. Conroy was successful in his mission, for all the Native groups except the Fort Liard band had accepted the treaty by the end of the summer of 1921. It is obvious from later testimony that he was much less successful in explaining the significance of the document or making the Native people true partners in the process. Conroy and Breynat, both committed to assisting the Native people of the Mackenzie, demonstrated the paternalism typical of that day. They "knew" what was best for the Native people and, in their interests,

used what tactics were required to secure their signatures on the document.
(Coates and Morrison 1986:32-33)

Dene oral history records the negotiations that occurred at each trading settlement, as well as discussion about the Treaty among Dene themselves, discussed in detail in the following chapter.

Government viewpoint and rationale for Treaties

In spite of the government's intention in sending the Treaty party to present an ultimatum to Dene, from all accounts negotiations did occur (i.e., Dene testimony, Conroy's brief surviving report, and Breynat's subsequent reports). As Commissioner Harris observed in 1922: "I believe it to be my duty to inform you that I know that certain promises were made these Indians at the first treaty which in my opinion never should have been made...." (Harris in Fumoleau 1975:234). The Treaty–as–negotiated was never made part of the written document, and any documentation that elders recall has been uniformly lost (e.g., Fumoleau reports that Conroy's official report cannot be located in the Public Archives or Department of Indian Affairs; the copy of the Treaty, map and medal given to Chief Monfwi of Fort Rae was lost or taken by the priest at his death (ibid., 164,196)). Furthermore, the government never put in place mechanisms necessary to fulfill the provisions of the Treaty, even according to its own written version. Archival sources compiled by Fumoleau chronicle numerous complaints by Dene and reports by government officials and clergy over matters such as imposition of game regulations and by the inadequacy of medical care promised in the Treaties which was graphically evident during the 1928 influenza epidemic (e.g., Fumoleau 1975 appendices: 345-392).

The legal and constitutional status of treaties with Indigenous nations is of central importance to the Canadian state as well as Indigenous peoples. Britain asserted sovereignty over British North America and later the Canadian Crown succeeded to this sovereignty. However, in English law only certain mechanisms are recognized as legitimate means of acquiring sovereignty where territory is occupied by other sovereign nations, the foremost being treaties (Jones 1982:85-86; Clinebell 1987:131-132).

The written text of treaties—along with some legal interpretations of the written text—are an obvious source of information on the treaty relationship between the Crown and Indigenous peoples. Federal and provincial governments have emphasized a literal interpretation of the written treaties, although at times the two 'Crowns' (federal and provincial) may disagree over the primacy of the jurisdiction of each. In the specific case of Dene treaties, courts have not always supported the written treaty as the sole—or even best—interpretation, and historical records of other observers as well as Dene oral history also question the accuracy of written texts (e.g., Justice Morrow in the *Paulette caveat*).

The Canadian government has at times sought to divest itself of its perceived responsibilities toward 'Indians' and terminate the treaties. In 1920, Duncan Campbell Scott, federal deputy minister, stated: "Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department" (in Miller 1989:207). More recently, this view was explicitly stated in the "White Paper" on Indian Policy in 1969:

> The terms and effects of the treaties between Indian people and the Government are widely misunderstood. A plain reading of the words used in the treaties reveals the limited and minimal promises which were included in them. ... The significance of the treaties in meeting the economic, educational, health and welfare needs of the Indian people has always been limited and will continue to decline. The services that have been provided go far beyond what could have foreseen by those who signed the treaties. ... Many of the provisions and practices of another century may be considered irrelevant in the light of a rapidly changing society, and still others may be ended by mutual agreement. Finally, once Indian lands are securely within Indian control, the anomaly of treaties between groups within society and the government of that society will require that these treaties be reviewed to see how they can be equitably ended.
>
> (Statement on Indian Policy [White Paper ...], Canada 1969:10)

Although the federal government officially repudiated its position from the White Paper of 1969 following recognition of unextinguished aboriginal title by three Supreme Court justices in the *Calder* decision (1973), it can be argued it has maintained many White Paper objectives and sought to accomplish them in other ways. For example, the general government/Crown interpretation is that treaties are agreements whereby the Indigenous parties cede land rights and

sovereignty to the Crown[21]. The language of the written text of the treaties is consistent with this view; for example, Treaty 11 states:

> And whereas the said Commissioner has proceeded to negotiate a treaty with the Slave, Dogrib, Loucheux, Hare and other Indians inhabiting the district hereinafter defined and described, which has been agreed upon and concluded by the respective bands at the dates mentioned hereunder, *the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for His Majesty the King and His Successors forever, all the rights, titles, and privileges whatsoever to the lands included within the following limits ...* (Canada 1957:6) [emphasis added]

The legal interpretation of Treaties 8 and 11 has been altered significantly, due in particular to the findings in the *Paulette caveat* (1973) (discussed below). However, official objectives remain constant: extinguishment of Indigenous rights and title through negotiated agreements. For example, the Gwich'in Comprehensive Land Claim Agreement of 1992 contains the following clause:

> 3.1.12 In consideration of the rights and benefits provided to the Gwich'in by this agreement, the Gwich'in cede, release and surrender to Her Majesty in Right of Canada all their aboriginal claims, rights, titles and interests, if any, in and to lands and waters anywhere in Canada.
> (Canada and Gwich'in Tribal Council 1992:9)

The clause which follows in the Agreement is a cession of all Treaty rights, including protection of hunting, fishing and trapping, and an agreement not to pursue any further suits or actions based on Treaty 11, ever.

Thus, the government viewpoint—shared at times by others—is that treaties were primarily extinguishment documents: aboriginal rights and title were extinguished, the majority of lands were ceded to the Crown except for some hunting rights at the discretion of the Crown, and smaller allotments of land were set aside for exclusive use of Treaty peoples (reserves). In the process, Indigenous peoples came under the Crown and ceased to be sovereign nations. This reading of treaties prevails today (albeit not always consistently): federal comprehensive claims policies seek on one hand to extinguish treaty rights (e.g., the Gwich'in claim (1992)) while at the same time referring to claims agreements

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[21] Further, the federal government prefers the term 'modern treaty' for comprehensive claims agreements, suggesting an analogy between claims as agreements whereby aboriginal title is extinguished in exchange for certain finite benefits and treaties as agreements involving similar extinguishment and exchange.

as treaties, implying that the original treaties extinguished rights in much the same manner as comprehensive claims agreements[22].

The government of Canada has been insistent that its written version is the only correct interpretation of Treaty 11. For example, in 1968 the then Treaty Commissioner of the Department of Indian Affairs and Northern Development (DIAND) for the Northwest Territories issued his explanation of meaning ("interpretation") of the Treaty, to promote "a better understanding of the Treaty, what promises it made to your people, and what your people promised to the King" (Ogden 1968:1). His explanation reiterated the central premise:

> That when the Indians signed their names and put their marks on the Treaty paper, they gave all of the land to the Government of Canada for the King, also any right they might have had to any other part of Canada. His Majesty and his successors will hold the land forever. (ibid., 2)

The disparity between Ogden's view of Treaty and that of the Dene is highlighted by this particular provision. From the time it became apparent to Dene that the government considered Treaty 11 to involve land cession, Dene have consistently maintained that land was not the subject of negotiations: either it was not mentioned, or they received assurances that they would not be deprived of their land (e.g., Trindell and Moses in Fumoleau 1975:176-177). Furthermore, haste and irregularities in the negotiations, at the very least, were reported by non-Dene observers, supporting Dene history that land surrender was not part of the negotiations (cited in the *Paulette caveat* 1973:141-142). In 1973, this considerable body of testimony was sufficient to cause Justice Morrow to rule in favour of the Dene.

Thus, Dene successfully asserted that the portion of Treaty 11 concerning changes to their aboriginal land rights was not part of the agreement they negotiated. In fact, research over the past six decades has provided a detailed account of the actual treaty, as recorded in Dene oral history, and corroborated by numerous accounts of Dene and non-Dene observers. Research conducted

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[22] By 1996, only one agreement negotiated under the federal Comprehensive Claims policy varied from this model, the A.I.P. of the Nisga'a. Nisga'a aboriginal title, as "exhaustively set forth" in the final agreement, will continue to exist on "Nisga'a lands" (but not on "Niaga'a Fee Simple Lands"). As in other agreements, Nisga'a settlement lands are a small proportion of Nisga'a traditional lands, so Nisga'a aboriginal title will be in effect over a significantly reduced area. Additionally, Nisga'a government "will not affect the constitutional division of powers between Canada and British Columbia" and will be subject to the *Canadian Charter of Rights and Freedoms* (1996:6). (Canada, British Columbia, and Nisga'a 1996)

for this thesis is consistent with past views, as well as elaborating on areas that were not emphasized in previous questioning, such as political rights.

The Dene have been elucidating what their Treaties are about from the time they were negotiated. They have repeatedly countered conflicting views by government and others, such as those described above. For example, at Fort Resolution, Dogrib, Chipewyan, Slavey and Yellowknife signatories to Treaty 8 boycotted the Treaty ceremonies of 1920 in protest over infringement of their Treaty rights by the imposition of game laws restricting hunting of bison, migratory waterfowl, and plans to restrict caribou hunting. They also report that their protests were taken very seriously by Crown representatives:

> Johnny Jean Marie Beaulieu: ...Drygeese told them, "You gave us money and paper, now you want to change the law. We will give you back all the money. We can do without the money, we did without it long before. You can't pay to be the boss of us." Susie Drygeese told the Indian Agent, "If you say there is a caribou season, we are not going to take that treaty ... We did not give it to you ..."
> Susie Abel: If you want to talk about land, go back to where you came from. We did not ask you to come here in the first place. ...
> Henry (Honoré) Drygeese: ...The Indian Agent knew that he lost by what the Chief said, so he tried so many times to convince the Chief to take the Treaty money. ... (quoted in Fumoleau 1975:126-127)

Chief Drygeese and the other chiefs present later reaffirmed the Treaty by recording the extent of their land ownership and the conditions that would apply under the Treaty. Dene history records that four written copies of this agreement were made (one each for the Crown, priest, Hudson's Bay Company, and Dene), although none of these were locatable by Fumoleau in the 1970s.

Great Britain, and later Canada, have long been interested in securing underlying title to Canada (and the territory of other states with similar colonial histories). Simultaneously they have been asserting unquestioned and complete sovereignty. They have advanced various arguments through time that Indigenous land rights are less than sovereign, or have been extinguished by the assertion of British sovereignty in a number of ways (see, for example, Canadian court cases such as *Baker Lake, Calder,* and *Sparrow*). As members of the international community, Britain, Canada and the United States acknowledge international conventions for acquiring sovereignty over new lands: lands may

be acquired by conquest, cession, annexation and occupation of uninhabited territory (*'terra nullius'*):

> By 1765 there were various ways by which Indian land could legitimately change ownership. Conquest was one means. So was assertion of ownership rights, either by settlement or use, over territory that had been abandoned by others. So was sale to the Europeans. ... The lack of effective means for the redress of legitimate grievances was one of the factors that turned the whole business of land transfer into a mockery of legitimate transactions.
>
> (Jones 1982:85-86)

Commenting on these mechanisms, Clinebell notes:

> The United States courts have offered many theories in an attempt to justify federal control of Indian people and their governments. None of those arguments is tenable under international law. Examples of proffered theories and their shortcomings include:
>
> Discovery. Discovery is a basis for exercising control over a territory only if it is uninhabited. According to some commentators, it also requires actual occupation of the territory. Even under the United States' conception of the rule, discovery gave the Europeans and later the United States only the primary right to deal with the Indians and purchase land from them; it gave no right unilaterally to assert authority over them.
>
> Conquest. It is now almost unanimously agreed that international law prohibits the use of force against the political or territorial integrity of another state. Even during the days before that principle was accepted as part of customary international law, the use of force was considered acceptable only in defense against the aggression of another state or to enforce law. Another shortcoming of this theory is that many Native people and nations have never been militarily conquered by the United States.
>
> Cession or agreement. International law, as well as federal Indian law, establish that a treaty or other agreement by which one state promises allegiance to and obtains protection from another state does not terminate the sovereignty of the protected state other than as explicitly provided in the treaty. The protected state remains an independent sovereign state governed by the law of nations. Further, many Indian tribes have never signed any treaty or agreement with the United States. Many of the treaties which have been signed were obtained fraudulently by the United States; the United States has routinely violated and/or exceeded the authority granted by most of the treaties. Other arguments offered by the United States have similar shortcomings ...
>
> (Clinebell 1987:131-132)

Roman Catholic Church and the Treaties

Bishop Breynat participated in the negotiations for both Treaties 8 and 11. Regarding Treaty 11, he later confirmed that the Treaty party was armed with an ultimatum, rather than a mandate to negotiate an agreement:

> The Royal Commission arrived from Ottawa to negotiate with them [the Dene] the terms of a treaty, which terms were prepared in advance to be imposed upon them rather than freely discussed in a spirit of reconciliation and mutual concessions as often happens in the negotiation of treaties.
>
> (NWT, Territorial Council, *Minutes of the Sessions*, Breynat to Commissioner of the NWT, 15 June 1938:1362 in Fumoleau 1975:163)

In the summer of 1937 Breynat collected 46 affidavits from witnesses to the negotiation to forward to the federal government concerning the actual Treaty 11 agreement:

> ... (2). As the text of the Treaty which had been brought from Ottawa was not explicit enough to give satisfaction to the Indians, the following promises were made to the Indians by the Royal Commissioner, in the name of the Crown:
>
> a. They were promised that nothing would be done or allowed to interfere with their way of making a living as they were accustomed to and as their antecedents had done.
>
> b. The old and destitute would always be taken care of, their future existence would be carefully studied and provided for, every effort would be made to improve their living conditions.
>
> c. They were guaranteed that they would be protected in their way of living as hunters and trappers from White competition, they would not be prevented from hunting and fishing, as they had always done, so as to enable them to earn their own living and maintain their existence.
>
> (in Fumoleau 1975:340)

In a letter written in 1938 to Dr. Camsell, Commissioner of the N.W.T., Breynat added his own confirmation to that of the affidavits:

> I was, personally, present at the treaty of Fort Chipewyan, which I signed as a witness. As interpreter, I took part in the discussion of the treaty with Caribou Eaters at Fond du Lac, Athabasca. I was begged by the Superintendent of Indian Affairs himself, as bishop having under his jurisdiction the greatest number of Indians, to join myself to the Royal Commission charged with *negotiating*—that was the expression employed in the Letters Patent— the treaty with the Indians who lived along the banks of the Mackenzie River to the Sea. The report of the Royal Commission makes mention of the services which I was able to render. I know whereof I speak and I weigh the value of my words when I affirm and declare publicly as bishop, just as though under oath, that our Indians would never—no never—have consented to sign any treaty *if they had not received the solemn guarantee, given in the name of the Crown, not to be molested in their habits of life as woodsmen, living through hunting and fishing, and that they would be protected against competition by the Whites and their methods of exterminating fish and game.*
>
> (Breynat in Fumoleau 1975:387) (emphasis in original)

Breynat eventually proved more successful in his efforts to convince the Dene that accepting the Treaty would be in their best interests than in persuading the

federal government to recognize and implemente it, and it was left to subsequent generations of Dene—and Oblates— to continue to work toward these goals.

Interpretations of Treaty history

While expressing concern over the injustice of negotiations between the Crown and Indigenous peoples due to inequalities in power and resources, a number of observers, including some clergy, government officials, historians, and social scientists have formulated the view that Treaties are indeed instruments of extinguishment, but questioned the nature of the negotiations and historical circumstances that produced them. A number of explanations have been advanced to explain why Indigenous peoples signed Treaties, such as the view that Indigenous peoples didn't understand the Treaties due to language differences and poor translations—there was no meeting of minds (quoted previously):

> ...How could anybody put in the Athapaskan language through a Métis interpreter to monolingual Athapaskan hearers the concept of relinquishing ownership of land, I don't know, of people who have never conceived of a bounded property which can be transferred from one group to another. I don't know how they would be able to comprehend the import translated from English into a language which does not have those concepts, and certainly in any sense that Anglo-Saxon jurisprudence would understand. So this is an anthropological opinion and it has continued to puzzle me how any of them could possibly have understood this. I don't think they could have. That is my judgement. (testimony of June Helm in the*Paulette caveat,* Supreme Court of the Northwest Territories (1973) pp. 33-34, quoted in Daniel 1987:95)

A variation on this explanation is that Indigenous peoples couldn't understand the Treaties because they lacked concepts such as private property in land, so they were incapable of appreciating the significance of extinguishing their rights and title. According to this view, there was no meeting of the minds, as the worldviews of the parties were too dissimilar:

> It should be noted that although the Treaties were signed sixty and thirty-eight years ago respectively, very little change has been effected in the traditional mode of life of the Indians in the Mackenzie District. Very few of the adults had received an elementary education and consequently were not able to appreciate the legal implications of the Treaties. Indeed some bands expressed the view that since they had the right to hunt, fish and trap over all of the land in the Northwest Territories, the land belonged to the Indians. The Commission found it impossible to make the Indians understand that it is possible to separate mineral rights or hunting rights from actual ownership of land.
>
> (Canada 1959:4-5)

A less charitable variation on these explanations is that Indigenous peoples were easily, or intentionally, misled due to language and cultural differences into agreeing to extinguishment by Treaties: Indigenous peoples put their trust in authority figures such as missionaries, traders, etc., and this trust was betrayed (there may or may not have been a meeting of minds):

> [Bishop Breynat to headman Dzieddin of Fond du Lac] "Accept and sign the treaty on behalf of all those poor people. Anyway, even all of you together, all the Caribou Eaters, you cannot help it. You may accept the Treaty or not, but either way the Queen's Government will come, and set up its own organization in your country. The compensation offered by the Government may be quite small, but to refuse it would only deprive the poor people of much-needed help." (quoted in Fumoleau 1975:79-80)

> Upon study, one is left with the impression that the treaty commissioners operated within quite narrow areas of discretion regarding what actually could be given; that they felt the tactics used were justified as long as the Indian people were adequately "looked after" with integrity, according to the conscience of the times. Needless to say, from today's viewpoint the Indian signators had relatively little choice, and even less expert council. In such circumstances, that there should be divergences concerning what the people thought they were getting as opposed to that which was actually written into treaty is understandable; that these divergences would become even more significant as the standards of literacy and militancy rose was inevitable. (Frideres 1988:74)

> A review of the written terms of Treaty Eight and the available evidence of the context and content of the negotiations must lead to the conclusion that an agreement was only made possible by the existence of a large measure of trust between the parties and by the absence of reasonable alternatives to such an agreement. ...For the Indian people, the assurances of the government's good intentions and its commitment to justice were of great significance, particularly when such assurances were given by those whom they had come to rely upon to bridge the enormous cultural gap between themselves and the white society—the missionaries and fur traders who lived in their country....Where the effects of white settlers and travellers had been less obvious, as perhaps was the case at Fond du Lac, the treaty may have appeared to have been more like an ultimatum, offering few benefits beyond a small quantity of money and rations. (Daniel 1987:99)

> Father Lacombe then spoke in Cree, urging the Indians to accept the treaty. He emphasized his knowledge of treaty benefits that had accrued to the Prairie Indians to the south and insisted that he would have no part in a treaty which was not in the Indians' best interests. "Your forest and river life will not be changed by the Treaty, and you will have your annuities, as well, year by year, as long as the sun shines and the earth remains. Therefore I finish my speaking by saying, Accept." (Daniel 1987:79)

Contradicting this view is information collected by Fumoleau:

> Johnny Jean Marie Beaulieu: Drygeese said: "You [Bishop Breynat] are here to teach the people to pray to God. You can not talk for them and tell us about treaty. That is not your business." (in Fumoleau 1975:126-127)

Another viewpoint equates treaties to terms of surrender of defeated nations, notwithstanding the absence of violent conflict or distinct defeat in most cases.

> But when the government negotiators insisted on restricted areas as reserves [referring to the "fertile belt" treaties pre-1877], some Indians, so anxious were they for a treaty, sooner or later capitulated. Their concession to the government was made somewhat easier by the answers they got to their expressions of concern that they not be interfered with in the practice of their traditional hunting and fishing pursuits. (Miller 1989:167)

A variation on the "demoralization" viewpoint is that Indigenous peoples recognized that European settlement was inevitable and acquiesced to Treaties to salvage what little they could of what was once theirs. This perspective hinges more on the concept of the 'inevitability of progress' than on a conflict/war analogy, and suggests there was a meeting of minds:

> Because the Indians saw white treaties as establishing a relationship that would guarantee them assistance in adjusting to the new order in the west, it was they who were mainly responsible for the inclusion of many of the terms that promised continuing assistance. ... [There] was a governmental perception of a determined effort by the Indians to obtain what they thought they needed: agreement that traditional pursuits could be carried on; an alternative land base; assistance in both instruction and equipment to make a transition to a different economy; and promises of aid in time of crisis such as famine and epidemic. (Miller 1989:167-168)

The particular situation of Dene/northern Indians was noted:

> The northern treaties differed little from the numbered treaties of the south. The annuities were larger, but the formula for alienation and promises of continued use of the land and its resources in a traditional mode were included. ... Few of [the] oral promises were honoured in later years. Of course, the northern Indians, who believed the treaties established a relationship of friendship and mutual assistance with the government, were shocked by the treatment they received. (Miller 1989:204)

For Treaties 8 and 11, considerable archival, historic, and oral history research has been conducted which disputes these interpetations. In particular, the work of Rene Fumoleau, quoted numerous times above, stands as an impressive compilation of archival and oral history data on the Treaties. Fumoleau's work and the more recent work of historian Kerry Abel are examined next.

2c. Dene Treaties and Dene Ethnography

Introduction

The primary focus of the original anthropological studies was on the various mechanisms within Dene society that enable it to adapt to the northern boreal environment through a hunting economy. Additionally, early anthropologists were interested in how Dene and their economy were changed by their involvement with the European-derived fur trade, and the effects of these changes: a predictable pattern of 'acculturation,' for example. At times, the technique of extrapolating an 'ethnographic present' at a time just prior to contact with Europeans based on information from historical accounts of travellers and traders was employed to plot change in Dene societies.

In the late 1960s, the series of events outlined in the introductory chapter began which continues to this day. In a variety of political fora, Dene engaged the forces in the non-Dene world that were impinging on their society. The kinds of developments in political organization and objectives were not predicted or explained by the early ethnographies. Further, the subjects that were of central concern to anthropologists were either absent or given entirely different meaning by Dene in the 1970s and beyond.

The obvious question that arises is what might account for the dichotomy between what the ethnographers deemed significant about Dene society and what the Dene themselves communicated as crucial a couple of decades later. Oral history from Dene elders collected as part of this study, presented in the next chapter, suggests that the factors influencing the political involvement beginning in the 1960s have some antiquity and were not due to more recent trends, such as education or radicalization. The roots of what Dene were saying at the *Paulette caveat*, the Berger inquiry and elsewhere were indigenous to Dene society, as attested by Dene oral history and by other observers and sources which will be discussed below. Thus, it can be assumed that this information was also available at the time to anthropologists as they assembled the original ethnographies, and its omission results from other factors, such as possible unwillingness of Dene to

share certain information at that time, the circumstances of the research, or the research interests of the anthropologists. However, work on Dene utilizing historical sources (e.g., Fumoleau 1975, Abel 1993) and parenthetical references by ethnographers to Dene concerns about restrictions to their economic activities, suggest that the problem may not have been shortage of information or interest on the part of the Dene but, rather, factors inherent in anthropological research.

Treaties and history

René Fumoleau's *As Long as This Land Shall Last—A History of Treaty 8 and Treaty 11 1870–1939* stands as the preeminent work on the history of the Dene of the Northwest Territories, focussing on their treaties. Fumoleau, an Oblate priest and long-time resident among the Dene, published the monograph in 1976, bringing together an impressive body of archival research, interviews with Dene, and history of the north from a number of sources, not the least being the archival material of the Oblates of Mary Immaculate spanning over a century in the Mackenzie area.

As an Oblate priest, Fumoleau brought certain unique perspectives to his account of Dene history. In his role as priest, he had a lengthy personal involvement which, along with that of his colleagues, provided a time depth and intimacy uncommon in most academic/scholarly research, yet his work is scholarly in nature. As an Oblate, he inherits 'unfinished business' regarding the Dene Treaties, stemming from Bishop Breynat's involvement in persuading Dene to agree to the Treaties (taken by many Dene as the assurance of a man of God that the treaty would be fulfilled), and then collecting affidavits and publishing articles protesting the inaccuracy of the written text of the treaties, failure by government to live up to the terms of the Treaties, and general neglect and contravention of Dene and their rights.

As Long As This Land Shall Last begins by quoting the decision of Justice William Morrow in *Paulette caveat*, reiterating that Dene are "*prima facie* owners of the lands covered by the caveat—that they have what is known as aboriginal rights" (Morrow 1973 in Fumoleau 1975:13), and "that notwithstanding the language of the two Treaties [8 and 11] there is sufficient doubt on the facts that aboriginal title was extinguished that such claim for title

should be permitted to be put forward by the caveators" (ibid.). Fumoleau notes that the documentary history of the Treaties is scattered across Canada and difficult to assemble. Of particular relevance to anthropologists, Fumoleau quotes Morrow's views on Dene oral history:

> While treaty commissioners wrote official reports based on their perception of events, it has now been established that the best source of information on the Indian treaties "seems to be among long-time residents and Indians in the N.W.T.". The Honourable Mr. Justice Morrow, having listened throughout the summer of 1973 to testimonies from Indians and others who remembered the treaty-making negotiations, concluded. "There is no doubt in my mind that their testimony was the truth and represented their best memory of what to them at the time must have been an important event. It is fortunate indeed that their stories are now preserved." In a history of the treaties, the discussions among Indian chiefs themselves, or between them and treaty commissioners or Indian agents can supply more valuable information than the actual text of the treaties.
>
> (Fumoleau 1975:14-15)

In essence, Fumoleau provided documentary support for the Dene oral history of Treaties 8 and 11, which James Wah-Shee summarized in a Foreword to the book:

> This book, and the September 6, 1973, decision of Justice Morrow in the Supreme Court of the Northwest Territories, together vindicate the interpretation of Treaties 8 and 11 which the Indian people have consistently maintained; that the treaties did not involve cession of Indian land, but were merely friendship or peace treaties implying a mutual respect for the rights and way of life of both parties involved. History has let us down sadly.
>
> (Wah-Shee in Fumoleau 1975:12)

Fumoleau contextualized the Treaties, beginning in 1870 with the situation in the Northwest Territories, and looked at the use of the area for transportation routes, and later gold rushes and oil booms. Throughout, he detailed the relationship of Dene, governments, and churches with regard to health, education, governance and economy in the region, each party bringing their own objectives into the processes. He provided considerable information on the actual negotiation of the Treaties and their terms (as distinguished from the written versions), and then to what became of the agreements subsequently: restrictions to hunting and trapping, division of the Treaty 8 area through the creation of Alberta and Saskatchewan in 1905 and transference of jurisdictions (e.g., hunting, education) without regard to the Treaties, epidemic diseases and failure to provide medical care promised in the treaties, and failure to protect the hunting and trapping

economy. Further, the documentary evidence he provided attests to the persistent protests by Dene from the time the transgressions occurred.

Fumoleau presented a great number of quotations from archival, published and interview material regarding the history of the Treaties from the varied perspectives of Dene, traders, police, commissioners and government employees, Metis and other non-Dene observers, translators, and missionaries. In brief, this material provided considerable support for the Dene view that the Treaties are not accurately represented by the written treaty documents and instead included guarantees such as protection for the Dene economy, a conclusion drawn by Fumoleau as well as Justice Morrow. With its plethora of archival sources, Fumoleau's book has served as a major resource for other researchers studying Dene, treaty and northern history.

In 1993, historian Kerry Abel published *Drum Songs: Glimpses of Dene History*, with the objective:

> ...to reconstruct some important moments in Dene history in order to answer the question of how these northern people have been able to maintain a sense of cultural distinctiveness in the face of overwhelming economic, political, and cultural pressures from the European newcomers to their homelands.
> (Abel 1993:xi)

Abel's temporal scope is broader than Fumoleau's, covering essentially the entire history of contact between Dene and Europeans to approximately 1992. Her relatively brief commentary on Treaties 8 and 11 is drawn largely from Fumoleau and the sources he utilized, and she concludes:

> The Canadian government was satisfied at that point [1924, when Métis scrip was paid in the Treaty 11 area] that all aboriginal claims to the northern lands were now extinguished. The Dene interpretation of the treaties was clearly quite different. People believed that the treaties were expressions of goodwill whereby the government of Canada had promised that their economy would be protected against the pressures of outside settlers and trappers and that they would be assisted in times of hardship or sickness. The government had offered to establish reserves, but the Dene had rejected that proposal time and again. Furthermore, they do not appear to have realized that the text of the treaties stated unequivocally that "the said Indians do hereby cede, release, surrender and yield up...all their rights, titles, privileges whatsoever to the lands" described in each treaty. There is little doubt that the statements made by various treaty commissioners were either misleading or misunderstood, for the written text also stated that hunting and fishing would be permitted only so long as the land was not required "for settlement, mining, lumbering, trading, or other purposes." These fundamental differences of interpretation and

> misunderstanding became the basis for fifty years of disagreement between the Canadian government and culminated in the Dene-Métis land claim of the 1970s and 1980s. Father René Fumoleau has also suggested that there may have been outright fraud involved in the arrangements for treaties 8 and 11. ...
> (Abel 1993:187)

In 1959, the Canadian government appointed a commission "to Investigate the Unfulfilled provision of Treaties 8 and 11 as they apply to the Indians of the Mackenzie District" (Canada 1959). The Nelson Commission, as it was called, consisted of chair, lawyer Walter H. Nelson, assisted by Victor Valentine (later an academic anthropologist) and L.L. Brown of the federal government, James Koë of Aklavik and Baptiste Cazon (Chief) of Fort Simpson (Liidli Kue). They travelled to 15 communities along the Mackenzie River, and found Dene were quite unaware of any land surrender as part of the Treaty, and, further, were averse to considering it as a possibility in 1959 as well. They were also strongly opposed to any interference with their rights to hunt and suspicious of the motives of the government and the commission, believing themselves to be owners of the land, despite attempted explanations to the contrary by the commission: "The Commissioner found it impossible to make the Indians understand that it is possible to separate mineral rights from actual ownership of the land" (Nelson in Abel 1993:242).

This review of the work of historians Fumoleau and Abel is intended to examine both documentary sources of information and prevalent views of Dene around the time significant ethnographic research was being done, in an effort to determine what information might have been available to ethnographers in addition to the topics upon which they chose to focus. This was during a time of relatively active baseline ethnographic research among the Dene. For example, in 1962 Slobodin wrote the following:

> Modern ethnography among the northern Athapaskan speakers of the Arctic and subarctic remains almost entirely the work of one man, Cornelius Osgood, seconded by his student, John J. Honigmann. To their work have been added recently the studies of June Helm (MacNeish) (1956, 1960) and Robert A. McKennan's long-awaited monograph on the Tanana (1959).
> (Slobodin 1962:3)

To this list can be added: Helm 1961, Helm and Lurie 1961; Slobodin 1962; Steward 1941, 1960; VanStone 1963, 1965. Basically, the inquiries of the Nelson Commission and presentations by Dene and the Roman Catholic church

regarding treaties were not topics adopted by anthropologists. As noted previously, Honigmann's and Helm's interpretation of the relevant treaties derived from the written texts and their research interests were not in the areas of political relations (or political organization), Dene history of treaties. Their interests were prevalent in anthropology at the time, for example, in 1962 Slobodin discussed the interplay of ecological and historical factors to understand "the formation of northern Indian social structure", and suggested that "[h]istorical research has added to our understanding of the relationship between social forms and ecologic-economic situations among relatively simple societies" (1962:3, 5). It is worth mentioning in passing that in his work with the Peel River Kutchin in 1938-39 and 1946-47 for his dissertation published in 1959 by the Canadian Department of Northern Affairs and National Resources, Slobodin cites the written text of Treaty 11 as the definitive interpretation, adding "The Peel River people believed themselves to be assured that they might trap and fish anywhere during the legal open seasons" (ibid., 40-41).

Thus, even when anthropologists were active during times of major importance to Dene, they did not necessarily appear to note the significance for Dene of what they were observing, or at least to address these topics in their writing. A striking example is Osgood's commentary on the devastating and well-remembered (by Dene) influenza epidemic of 1928, the complete text of which reads:

> The writer reached Norman early in July, 1928. At that place during the following fortnight an epidemic of influenza killed a large part of the Indian population. (Osgood 1931:31)

For her part, Abel takes anthropology to task for its preoccupation with theoretical topics in the discipline and the uncritical manner that historical sources are relied upon even in the absence of sufficient data:

> The point of the research was not to prove or disprove particular theories of culture change, or to establish or challenge models of social structures and functions. The major anthropological debates about the Dene (kinship patterns, historic periodization, and rates of economic change) are noted only in passing. Through the process of research, I discovered that insufficient evidence has survived to allow me to address these debates in any new way. Neither oral tradition nor the records of early European visitors provide enough clues about ancient family systems or regional economies to permit meaningful comparisons with the immediate pre- or postcontact periods. These are interesting questions, but without evidence, discussions of them must remain speculative and

> theoretical. The point of this study is not to develop new interpretive models.
> (Abel 1993:x-xi)

Thus it is possible to examine the information on Dene treaty history that may have been available to the interested observer from the 1930s to the 1970s. For whatever reasons, anthropologists chose to devote their research to matters other than those central in Dene political life. With the benefit of hindsight it is possible to say ethnographies of Dene overlooked something important. Dene treaties have had profound implications in a number of areas, from their significance for Dene from the time they were negotiated, to what they may have to contribute about living in relationship with other peoples, to what they reveal about the underpinnings of the state of Canada and colonialism generally, and to what they may offer to anthropological studies of political organization, among other topics. It is of more than passing concern that anthropologists expressed little interest in treaties, until, as mentioned in a previous chapter, Dene themselves brought treaties to their attention (e.g., Helm 1973:2; Asch 1988:96). What influenced anthropologists' choices of research questions; specifically, what questions were brought to the study of Dene/Slavey ethnography? What changes occurred in the approach of anthropology to research with Dene? What does an examination of topics deemed relevant to anthropology suggest for future anthropological research to ensure consideration of elements critical to the societies under study?

Chapter 3. Deh Cho Dene Treaty Research Project

3a: Research Project, Background and Methods
3b: Treaty Interviews
3c: Analysis and Discussion

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3a. Research Project, Background and Methods

Overview

In the spring of 1992, I approached the Deh Cho Tribal Council, as it was called at the time, with an interest in self-government and proposing the possibility of a cooperative research project of some kind. This regional aboriginal organization represented approximately 9 Dene communities in the southwestern Northwest Territories and had elected not to pursue a Comprehensive Claim but instead to develop regional self-government in order to take control of their land, resources, economy and people. They were basing their governance on the treaties negotiated between their people and the Crown in 1899 and 1921 and expressed interest in a cooperative research project whereby I would interview elders about the treaty relationship, and, in return, have access to that and other information on governance.

This chapter will deal exclusively with the interview data from the current project. As described previously, the 67 interviews were conducted between April 1993 and April 1994 in nine Deh Cho communities. There was considerable variation in the circumstances of the individual interviews and between the communities (keeping in mind the communities did not exist as such when the treaties were signed) such as the degree of involvement in the treaty negotiations, the involvement of particular elders' families/informants, the settlement history of the community, the relationship between the translator/interviewer and the elders, and the political circumstances in the community at the time of the interview. As well, there were undoubtedly numerous variables of which I was not aware that likely had an impact on the interviews. Consequently, in the following I present an introduction to the study suggesting approaches to appreciating the interviews.

Next, I consider the data from the interviews as a set and look for prevalent topics as well as those mentioned by only a few elders, with the objective of establishing a general picture of the treaty relationship as described by Deh Cho elders as well as the range of diversity in their accounts. Through this analysis I hope to provide some historical and current context for the elders' information and to transmit the emphasis which they placed on the information both individually and collectively in order to represent their view of the treaty relationship and history as recorded in these interviews.

The study

The present research sought information on the relationship between Dene and newcomers established in the treaties, the question of treaties and Dene self-government, and, more basically, the essential elements of the treaties as identified by Dene elders. The majority of the interviews dealt with Treaty 11, as only two Deh Cho communities, constituting 11 of 67 interviews, participated in Treaty 8 (Hatlohdehechee and Ts'ueh Nda).

Costs for the project were shared with the Deh Cho Tribal council, enabling my limited student research budget to be greatly supplemented to meet the high cost of doing research in the Canadian north. In the summer of 1992, I was invited to the Dene Nation Assembly in Pedzeh Ki where the topic of treaties, comprehensive claims, the failed Dene-Metis Claim, regional claims, self-government and the role of the Government of the Northwest Territories, and the future of the Dene Nation were discussed. In October of 1992, I attended a Deh Cho Tribal Council meeting where the treaty research project was approved and I was invited to four communities that wished to participate. While in the north, I took the opportunity to visit the offices of the Dene Nation and, with their approval and assistance, located and reviewed materials in their library pertaining to previous Treaty research, such as for the *Paulette caveat* (1973), the Mackenzie Valley Pipeline Inquiry (1976), and Rene Fumoleau's book on Treaties 8 and 11 (1975). I also consulted the archives of the Government of the Northwest Territories.

The Deh Cho region is interesting for its diversity, having the greatest number and kind of communities of any of the NWT Dene regions, from small, isolated

communities to larger multi-ethnic centres, a diversity reflected in the elders' oral histories. Most of the Aboriginal people are Slavey-speakers, with the addition of the Mountain Dene of Fort Norman in 1993, Métis, and a number of non-Slavey Dene who moved (or, more precisely, were moved) to the area to attend residential schools and remained afterward. The region has diverse links: the southwestern peoples with communities in British Columbia, the southeastern with Alberta and Yellowknife, the northern with Dene of Fort Norman, the Mountain Dene with the Yukon. The development of a government for this complex region was an exciting prospect.

In February of 1993, I was introduced to four communities (Liidli Kue , Pehdzeh Ki, Ahcho Kue, and Nahanni Butte) by the Grand Chief, Gerry Antoine, and community development coordinator, Rene Lamothe. In April, I began the interviews with elders of Zhati Kue (3.5 weeks), followed in May by Ahcho Kue (2 weeks) and Sambaa K'e (3 days), and in June, Pehdzeh Ki (2 weeks). At that time, Deh Cho was working on submissions to the Royal Commission on Aboriginal Peoples so my work on the Treaty project was coordinated with those contributions (Lamothe 1993; Smith and Deh Cho Tribal Council 1993a and 1993b).

In August, 1993, the first Deh Cho Assembly was held at K'agee. The meetings were conducted almost entirely in Slavey, elders played an active role, and there were youth delegates in attendance. Strong feelings of unity and purpose were expressed, both in the meetings, informally, and at the drum dances every night, culminating in the signing of the Deh Cho Declaration—a succinct statement of who the Deh Cho Dene see themselves to be (particularly in relation to Canada) and an announcement of their aims (see Appendix 1). Afterward, I continued interviews at Tthek'edeli (2 days), and did preliminary introductions for work in Liidli Kue, which was conducted in February and March of 1994 (4 weeks), followed by interviews in Hatlohdehechee in March and April (2.5 weeks), Ts'ueh Nda (1 day), and K'agee (1 day). I then attended the Tribal Council meeting in Tthek'edeli in May, 1994, and recorded an additional interview, bringing the total to 67. I attended two more Deh Cho assemblies in 1994 and 1995, and visited Pehdzeh Ki, Hatlohdehechee, and Zhati Kue to discuss the research with leaders and others. A summary timetable of research is included as Appendix 2.

Research Methods

Briefly, the methods employed in this research were open-ended interviews, generally through a translator, observation and limited participation at formal meetings, and numerous hours of informal discussion with political leaders and those working for the First Nations Council and bands or otherwise involved in the research or Dene governance. I also examined published and unpublished sources on Dene treaties and governance.

Over the course of the Treaty research project, I transcribed over 300 pages of English translations of interviews from 67 elders in 9 communities, parties to 2 treaties. The success of the research was due to the sharing of the elders; the great majority of those who we approached expressed a genuine desire to record their history for current purposes and future needs of their people. A critical factor in the project was the generous cooperation of the Tribal Council —renamed the Deh Cho First Nations Council in 1994—and the individual bands. The project was coordinated through the First Nations Council, which provided transportation within the region, paid translators, and provided honoraria for elders. The bands provided accommodation, selected translators, assisted with transportation within the communities (to outlying camps), introduced the research to the community and elders, and identified potential participants. As well as organizational aspects, the Deh Cho First Nations Council and the bands provided guidance and inspiration to the entire project. Through this process, bands and First Nations Council levels provided their informed consent for the project through a formal resolution at a Chiefs meeting and by contributing to its planning and execution. We also sought the consent of each elder, in most cases by an introductory visit asking their permission to return and, providing they agreed, followed after the interview by asking if we could put their words into writing and use them. In practice, some elders declined to be interviewed, sometimes saying that they did not have adequate knowledge of the Treaty (and sometimes suggesting who might be better to talk to), but no elder refused to allow their interview to be used once it was recorded.

Nearly all the interviews were conducted in Slavey and all were recorded on audio tape. As I don't speak Slavey, the interviews were conducted in one of

two ways, depending on the skills and preference of the translators: either the questions and answers were translated in the course of the interview in brief segments or paragraphs, or the translator was familiarized with the questions and the research objectives, and asked the questions independently. The latter method was used more frequently as it was more appropriate for many of the situations in that it allowed for longer unbroken statements by the elders, and, I believe, it was easier for translators who had less experience with this type of translation.

Initially, I was somewhat concerned at my restricted ability to monitor and take part in these interviews, as they were entirely in Slavey. However, in practice this problem was of less significance as I was able to listen to and transcribe the translated interviews soon after the interviews, during the course of the research in each community. I found that although there might have been clumsy moments in interviews, these were less frequent than would likely have been the case if the interviewer was unknown to the elder (as evidenced by the numerous occurences of such moments in interviews I conducted in English).

Significantly, in the most detailed interviews, it was actually the elders governing the course of the interviews. That is, in these interviews, there was little interference from the translator or myself, and elders said what they wanted to say in their own ways. The general procedure I came to follow was to discuss the project with the translator for the community, familiarize her/him with the work in previous communities, and go through a list of questions (see Appendix 3). The listed questions were used only after asking the elder if they had any stories about the Treaty, thereby giving the necessary discursive space for the elder to determine what was important, without imposing a naive and inappropriate structure. The translator was required to keep in mind the questions —or, what we hoped to achieve by them—and ask only those questions needed to elicit elaboratation on the elder's statement, avoiding asking questions that he or she had already answered. Thus, the elder and translator had a major influence on the structure of each interview.

In the end, the structure and detail of interviews varied considerably. Likewise, the topics covered were diverse, particularly between communities. Procedurally, translations were provided either throughout the interview or

afterward. In the latter case, the translators listened to the tapes and provided oral translations on a second tape. As mentioned previously, in most cases I was able to transcribe the translations while still in the community and then verify the translations for such factors as spelling of Slavey words and names, and, most importantly, the meaning and emphasis intended by the speaker. Following review, correction and verification of the transcripts by translators, copies of the translated interviews for each community were provided to the bands. The original interview tapes were not transcribed in Slavey. The tapes are housed with the Deh Cho First Nations Council along with the translations and transcriptions, and could be used for a variety of purposes at the discretion of Deh Cho Dene, as well as providing a valuable check for the work documented here, should this be necessary. The body of data used in this study was translated into English by 11 different translators[23] and resulted in over 300 pages of transcripts.

However, variability in the specific histories of each area (community) and between individuals' experiences and research variables (e.g., the number of translator/interviewers) aside, there is a high degree of consistency in the treaty histories presented by the elders. The transcripts reveal considerable uniformity (or parallels) in certain information and its presentation from a variety of elders and translated in a number of ways, as well as with statements recorded previously, such as for the *Paulette caveat* in 1973, which themselves reflected sufficient consistency to cause the trial judge to waive the 'hearsay rule' that restricts the court's use of oral history, as Justice Morrow noted:

> Similarly, in my treatment of the sometimes repetitious statements of the many Indian witnesses as to what their ancestors did, I have considered them as coming within the exception to the hearsay rule relating to declarations of deceased persons about matters of public and general rights ...
>
> (*Paulette caveat* 1973:126)

The parallels observed in the interviews suggest there was a consistency or consensus in observations which goes beyond the influence of one or two interviewers or translators.

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[23] The translators were: Fort Providence – Berna Landry; Fort Liard – Peter Bertrand; Trout Lake – Tom Kotchea; Wrigley – Martha Drake; Jean Marie River – Jonas Sanguez; Fort Simpson – Joey Horesay, Susan Tetso and Dennis Deneyoua; Hay River – Sarah Lamalice and Jeanna Graham; West Channel – interview conducted in English; and, Kakisa – Sarah Chico.

The information

There is a body of literature on Treaties 8 and 11 that precedes the current study, including the written versions of Treaties 8 and 11, the *Paulette caveat*, Rene Fumoleau's book *As long as this land shall last*, and, in western Canada, material on issues surrounding treaties generally, such as that concerning long unresolved treaty rights of the Lubicon Cree and the views of many Albertans of treaties as extinguishment agreements. Dene elders living in the Northwest Territories and the western provinces have been interviewed and quoted concerning Treaties 8 and 11 on numerous occasions (e.g., Fumoleau 1975 and O'Chiese *et al* in Price 1987). In addition, discussions with Dene Nation and Deh Cho First Nations representatives and the Dene National Assembly in 1992 provided a sense of some of the issues and interpretations Dene attached to their history of the treaties. So, when this treaty project began, it was not without some foundation from previous work. Previous interview projects have had foci such as the nature of hunting and trapping rights in the negotiated treaties and the question of land surrender.

Before I begin to present examples from the current project, I must provide an explanation of how I am interpreting the ethical obligation of safeguarding the confidentiality of those who provided the treaty information and a problem that this confidentiality represents in this case. Following completion of the interviews and interim reports for the Deh Cho First Nations Council, the question arose of whether or not to use the names of the elders. Standard social science (and medical) guidelines for the ethical conduct of research with "human subjects" generally recommend safeguarding their interests from harmful effects of research by preserving their anonymity. However, the Deh Cho First Nations Council chose to include elders' names in reports they submitted to the Royal Commission on Aboriginal Peoples and instructed me to use their names to acknowledge the contribution and knowledge of their elders. Working on the project taught me that the identity of the person giving the information is highly significant, as it is for any expert source or source of historical information. Not revealing their identity is analogous to providing a bibliography of an academic work where the sources are differentiated only by numbers so the reader is unaware of the exact identity of the authorities. To not name the elders can be

seen as a researcher's disrespect and ingratitude for their participation in this project. Further, I observed that members of the community of Tthek'edeli interpreted the decision of the ethnographer June Helm to use pseudonyms for the community and the participants and to endeavour to keep the published report of her 1950s work from circulating in the community as deceptive. I respect the intentions of ethics provisions and the importance of protecting those participating in research and I have endeavoured to include only statements pertaining directly to the treaty history and to omit any comments of a personal nature or on broader or less directly related topics which may have come up in the course of the interviews. However, I hope that my purpose in using elders' names here is clear: I wish to respectfully honour the knowledge of Dene history of the many Deh Cho Dene elders who generously participated in this project and to gratefully acknowledge each of their contributions.[24]

First, I should note that the elders' statements were not identical. Their historical information came from a number of places and a variety of sources, and individual elders hold particular kinds and amounts of information about treaties depending on their own and their predessors' histories. I realized only gradually that most elders were extremely careful to identify their sources, in a manner no less meticulous than that required in academic writing. Those declining to be interviewed often cited as the reason that "no stories were given to them". Elders noted if stories came from more than one source, evaluating their consistency:

> That was one story that I got from William Antoine's mother. The next one I'm going to tell you about, I heard it from Baptiste Betsedea's father. The story that I just finished telling you that I heard from William Antoine's mother, Baptiste Betsedea's father told me exactly the same thing in his story. The third person that came to visit me and tell me about the Treaty was the late Julien Yendo. All these 3 people that talked to me all had the same version in their stories, so I started to believe them and started to think that what they were saying was true. (Felix Tale, Pehdzeh Ki 1993)

> All the old people talk about Treaty and how it went. I heard the story from 3 old people [Frank Hardisty, William Antoine's father, and Julien Yendo], and all the stories seem to be the same. (Ed Hardisty, Pehdzeh Ki 1993)

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[24] With the exception of the 5 interviews conducted in English, the information was translated from Slavey to English and the English translations comprised the information used for the descriptions and analysis in this thesis. Much credit is due to the translators for their excellent work. However, by their very nature, translation and transcription are imprecise, and any errors that may have occurred despite the diligence of the translators and transcriber (myself) should not reflect any discredit on the elders.

Elders were careful to verify their information with other elders who might have had access to more detail through their ancestors, in one case by requesting that a taped interview be played to another elder (which we did). As translator Martha Drake summarized:

> His name [the elder being interviewed] is Jean Baptiste Williams. We asked him if we could interview him, and he thought it would be a good idea if Paul Ekenale would come and sit with him as he told the story. Seeing how Paul's father was involved with the Treaty in 1921, JB thought it would be good if they sat together, so he asked us to go see Paul. So we told him we would and we'd get back to him. We talked to Paul, and Paul and his wife are currently staying out at Willowlake River and they were in town for a few hours. So he didn't have time. JB, upon hearing this, agreed to tell us the story on his own, providing that when we do go out to interview Paul Ekenale, he would like Paul to listen to his story. (Martha Drake translating and summarizing conversation with J.B. Williams, Pehdzeh Ki 1993)

As well as verifying information, elders were aware that some sources of oral history information were superior to others, due to such factors as the degree of involvement in the historic event of the original source person. For example, following his story of the first Treaty, elder J.B. Williams suggested that although he had more stories, it would be better to get them from the man who is the son of an important elder at the time:

> [Translator Martha Drake:] When we talk to Paul Ekenale, we will let you listen to his story.
> [JB Williams:] But first you should let him listen to this story. You will play it back for him, will you?
> [Martha] Yes we will, before we listen to his story.
> [JBW] And if he listens to my story, and he gives you the same story, two stories will make it stronger. Tell him I said that. I cannot tell you all the stories that we were told. So tell Ekenale to tell you some more, aside from the ones that I told you. Tell him this.
> [Martha] Okay.
> [JBW] This is for the good of the people? Yes?
> [Martha] Yes it is.
> [JBW] When the first Treaty happened, nobody really knew the story, and there is a lot of stories floating around about that. And I think about that a lot. And I thank you for coming over. And in the future when they talk about this, I would like to sit among them. (J.B. Williams, Pehdzeh Ki 1993)

A particularly interesting aspect of the study were the differences in perspective between the communities. While many elders described common elements in the content of the treaties, there was variation in their descriptions of historical details of the negotiation of treaties between the communities. For example, in Zhati Kue the selection of Paul Lefoine as Chief and his role in the

negotiations was an oft-repeated story, as were details of the treaty agreement. Elders spoke of the core provisions of the treaty, the duration of negotiations and the characteristics of some of those involved:

> [Question: According to your father, what was the Treaty about?]
> That was about money and land. 'We will never speak of your land again. As long as you use it, we will never mention land again. You and your people, we will not bother you for land.' That's what my father said. But I think they lied to us there.
> [Question: Who was at that table at that time? Did your father mention anything like that?]
> Yes. He said there was Paul Lefoine, known as Dashómetai, and another man—there was three other ones, I don't recall their names, but altogether there were four of them. Usually in July, our leaders would get together. That's when we saw them together. And my father said, at that time [1921] they had a meeting for seven days. My father said Victor Lafferty [the translator] was very tired. Every morning ... they had a meeting for seven days. Towards the end, the white man said, 'Paul Lefoine, do you think of your land that much? If we will give you money?' He [Paul Lefoine] said 'No, I don't need that money. Without it, we survived. Look at the clothing I'm wearing. I used rabbit skin clothing. It's warm. Even if you don't give me money, that will not pay for it. Look at all my people—we've been brought up like that, and I don't think we need your money to survive. I think we can survive. You say you're going to give us things, but I don't think I can accept that money. You, you never told me how to grow up.' He was speaking to the white man—the commissioner and the Bishop. ... (Joseph Farcy, Zhati Kue 1993)

Other Dene elders from Zhati Kue reiterated the main points (i.e., the role of Paul Lefoine and his initial refusal to accept the treaty, the importance of the land and his unwillingness to discuss giving it up, the offer of money) of this story, as well as the failure of the government to live up to the treaty promises:

> My husband used to tell me stories about the Treaty. When the Treaty was going to take place, my husband said that word got out by mouth, and everybody came to town. Before the Treaty took place, they had a meeting for about 5 days. At first, the Chief said no, there was no way they were going to sign anything. Without money, we had survived as Dene people... They couldn't convince the Chief, and he said that it wasn't good enough. The Chief was worried about the children that are in the future. If it was about the land, our children are going to be pitiful. I remember my husband speaking about that. This had nothing to do with the land. It was just for ...we're going to live together. At that first Treaty, my husband said that everybody got 10 dollars each—children and adults. At first, they had a really tough time to convince him. They kept saying that "anything you need, you will have". They said they would give us supplies for gardening. One time they gave the people a washing machine. I remember we were living way at Horn River. They had one little washing machine. They said they were going to give us tools for gardening, but they only gave us a shovel, a rake and a pick. There was 4 garden tools. They were going to help people out with gardening—they were going to give them tools, but that never happened. It was just those 4 little

things. And that washing machine was that old type that had a handle that you have to push back and forth with your hand. I don't know what happened to that.

I remember that on Treaty days, they used to give us supplies like flour. During the day, the women would make bannock. After the first Treaty was signed, they had a big tea dance. They danced all night, until the next morning. I remember it was mostly adults and elders that were dancing—we never saw kids anywhere. All the kids were at home. We never saw kids running around at these dances. "

[Question: Did your husband ever mention who the Chief was?]

It was my husband's father's father, so he was related to him. His name was Paul Lefoine, and he had councilors but he didn't mention their names.

At the first Treaty, they said nobody's going to talk to you about the land. They said the Treaty was a symbol thanking the Creator that this land exists with the people. It was sort of for being thankful that we exist with the land.

Things are really different now. They're really putting the Dene people where they are not supposed to be. Today, it will be good if they don't talk about the land, because what are our kids going to live on?

He also mentioned the Bishop was there, along with a translator. ...

(Elise Gargan, Zhati Kue 1993)

Treaty 11 is part of the detailed history of the area that elders relate. Certain individuals and events figure largely in this history. In Zhati Kue, a plaque commemorates the founding of a mission by the Grey Nuns in 1867. Elders refer to the presence of the mission and life there as an important part of the history of this place, a factor which brought many of them to Zhati Kue from the surrounding locations (such as the Horn River area). The flu epidemic of 1928 had a devastating effect on the area and is recollected with great sadness. Individuals such as Chief Paul Lefoine, translator Victor Lafferty, and Bishop Breynat are described in detail:

I heard about the Treaty through Alphonse, my first husband's grandfather. The first Treaty took place in 1921. First, they had a really hard meeting. They kept saying 'no, no, no, we're not signing', because they weren't sure and they didn't want to sign it, because it was an all-of-a-sudden thing. His grandfather said it was Victor Lafferty who was translating. At first, they really had a tough time deciding what they were going to do, and they kept reminding the people that 'nothing is going to be closed to you. Whatever you do, you will keep on doing it. As long as the sun rises, nothing is going to change'. That's what they said at that time.

My brother Jean Canadian was young. I was about 5 years old but I don't really remember as a child. My grandfather was telling me...At that time they gave out nets and shells—it was all free. All these kinds of supplies were given to the people.

At that first Treaty, after the people accepted the money, they had a big feast. The grandfather used to say that they didn't follow the Treaty. Even today, they talk about land claims. At that time, they gave everybody 12 dollars each—children, women and men all got 12 dollars each. And the next year, 5 dollars was given, so right there was proof that they lied to us. At the time the

first Treaty took place, nobody knew how to read or write. Nobody knew how to write their name. Right now, in order to do anything, you have to write your name, and they give you a receipt to prove that you paid something. Back there, when they signed their name...The man that signed the Treaty was Paul Lefoine, Dashómatai. He was the first Chief for our people. That's how the Treaty took place. Jimmy Bonnetrouge used to talk about it, and Gabriel Punch, and Vital Bonnetrouge. They used to tell us stories about the first Treaty. I remember sitting beside them and listening to them talking about the first Treaty and how it took place.

Also at that first Treaty, there was the Bishop there. His name was Bishop Breynat. It took place where the mission used to be. At that time, when I was in the mission, there was no electricity then. The kids that were at the mission used to do all the woodcutting. We used to sleep upstairs. Upstairs, they had a wood stove, and we used to get up in the morning and it was very cold. They had pails of water that used to freeze during the night. It was very cold in the morning when we used to get up. All the water was frozen, and we had to break up the ice in the pail to wash our faces. I remember seeing kids get sick because they used to be so cold. I remember there was kids from all over the north. There was a lot of them that never saw their parents again. A lot of kids passed away. I remember when I was about 8 years old—2 years before the big flu, I was in the mission. So, I know what went on in the mission when it used to be open.

I was about 5 years old when the first Treaty came. So, it was before the flu. There was councilors with Dashómatai. My dad's name was Baptiste Canadien, and my uncle was Mattel Canadien. He was the man that was a councilor to Paul Lefoine. And Philip Simba's dad was another one.

(Mary Agnes Bonnetrouge, Zhati Kue 1993)

In Ahcho Kue and Sambaa K'e, violation of the treaty relationship through restrictions on hunting and trapping was emphasized over accounts of treaty negotiations. The Treaty party did not go to Sambaa K'e, and Ahcho Kue was not visited until 1922, after the death of commissioner Conroy, as the party ran short of time in 1921. The accounts of the Treaty signing in Ahcho Kue varied from that of Zhati Kue in their relatively sparse detail about the actual negotiations and signing, but the elders in both communities held similar views on the meaning of the Treaty:

I would like to say that we do not give up the Treaty. If the Treaty is ours, we would like to keep it. If we let the Treaty go, people are going to be poorer, because right now there is no work. If we let the Treaty go, I don't know what would happen to the people. ...

[Question: When they first made the Treaty, was it for the land?]

No, it was not for the land. It was told to me by others that it was not for our land that they gave us the Treaty. The Treaty was given to us as a present and a gift of thanks for the people to pass on our land, and that the Treaty would be given to us every year. This I know because I have heard it from the people who have passed away. (Harry Fantasque, Ahcho Kue 1993)

Elders from participating communities often emphasized the importance of the Treaty for providing health care benefits, particularly for the old or infirm.

> He [Edward Jumbo] said, a while ago, even before he was born, the Treaty was going on but they heard about it later on. His grandfather told him about the story. Also, now we can't just let it go, because if we do, if we have to go to the hospital, we might pay out of our own pocket and it would be hard for people. Also we won't let it go—our old people get hold of this Treaty 11. We can't let it go because we just want to stay with it.
>
> (Edward Jumbo, translated by Tom Kotchea, Sambaa K'e 1993)

People from Sambaa K'e travelled to Ahcho Kue to negotiate the Treaty:

> He [Edward Jumbo] said he heard about it. His grandfather told him stories about the first year. They had meetings for the whole summer about that, what's going to happen, people get Treaty money, 5 dollars a year, but later on, maybe about 60 years, like that, they are going to take over all of our land. I think they talked about something like that. The second year, they come again, and they tell different stories, they won't take you land away from you, they'll just keep track of you, your land, how many people living, and the Treaty...
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> He said they told him stories about they won't take land away, they're just going to help you with hospital bills, and whoever is sick, you can help, and the medicine, it will be free for you guys. So we won't take land away, they tell us that. And later on, everybody said they agree, so the first Treaty 11. That's what his grandpa used to tell him the story about.
>
> (Edward Jumbo, translated by Tom Kotchea,Sambaa K'e 1993)

Elders in both Ahcho Kue and Sambaa K'e described the arduous nature of travel at the time of the Treaty, as well as problems with "borders" dividing people, perhaps a reference to the NWT/BC boundary or regulatory boundaries separating people for non-Dene jurisdictional reasons.

Elders took pains to explain how life was lived at the time of Treaty, putting the restrictions in context as well as illustrating Dene independence. At Pehdzeh Ki , the role of elder Ekenale in selecting the first Chief, Yendo was important, leading to reports of fraud in placing Yendo's signature on the treaty document he didn't sign.

> [Question: At that time, did anybody sign their names on a paper, or not?]
>
> I asked my father if he had signed anything, and my father said No. And yet my father and I saw a piece of paper with his name written in the Slavey dialect. But my father didn't touch a pencil or anything and didn't know how his name got on that document.
>
> [Question: Did your father make a mark like an X on the paper or wrote his name in Slavey?]
>
> My father's name was written in Slavey, and my father used that X mark. My

father never touched a pencil at that time, so I don't know how his name got on that paper. (John Yendo, Pehdzeh Ki 1993)

Elders were often explicit in the connections they made between land and government, or, more precisely, in the conceptual unity of political, economic and land issues.

My father heard that they would be having a Treaty in Fort Norman, so I went along with my father to see what was happening. In those days, we didn't have a chief. My father knew a bit of English, and he was a very smart man. They also made him a priest. My father was a priest, so the Treaty party asked him if they could have a Treaty with him. My father went on to tell the Treaty people that they were not familiar with what the Treaty was all about, and he refused to take a Treaty with them. My father also told the Treaty party that this was our land and we can do what we want—continue to hunt, fish and trap. And if we take the Treaty, things might not turn out too good for us. My father went on to say that this is our land, and as far as he can remember in the past, we always did what we wanted on the land. If we agreed to this Treaty, things might change, and it wouldn't be good for us, so at this time he cannot say yes to the Treaty. My father went on to say that there must be something that you want in the future, even though you're not saying nothing about it now—you probably want something in the future, so he'll have to say no again....
(Wilson Pellissey, Pehdzeh Ki 1993)

Elders frequently made references to the foresight of their elders in suspecting the Treaty party of lying or having unstated plans for cheating Dene in the future:

After everyone had gathered, they were told that there was going to be Treaty payments happening. Ekenale's father told them "It better be good for the people and in our best interest, because you lie to people. That's what white people do. You say things right now, but in the future you could be lying." "That is not what we are here for. We are here to help each other and to live like brothers and sisters, one relation. This is a peace treaty—that is what it's all about." "You, the white people, say things to the people right now which sounds good. But in reality, you could be lying. And in the future, you will change your story again and again. And you tend to mislead and lie to the people. There must be something that you want to talk about with the people. And in the future, whatever you are thinking about, well I don't know, but I think it's the land that you are talking about right now." The government told them that they were not talking about the land. What they are talking about is that there will be more white people coming to Canada, and Canada is a big land, and we want your opinion whether you think it's right or not that we come here. And we want to live together like one big relations. This is what we are talking about, and we are not talking about the land. Ekenale's father went on to tell them: "Are you telling the truth?" "Yes." "And if you are telling the truth, say in the future you talk about this again and you change your words while I am still alive, I will think back to this day and tell you you have lied to me. I still think it is the land that you are thinking about." "No." "Even if you say no, say in the future it is the land that you are talking about. I think you will be talking to us in the future about this. This is what I think." "No, we are not talking about the land. We are talking about having friendship and peace

among the people. The land has nothing to do with this." "Even so, you say that you are not talking about the land, you tend to lie and mislead us, and I still think you are talking about the land. I feel you are not telling the truth, and in the future you probably will change your words." "No", they were told, "as long as the sun doesn't turn backwards and the river doesn't flow backwards, we will keep our word. We will not change our words. We will not lie, and we will follow what we said.". (J.B. Williams, Pehdzeh Ki 1993)

Elders reported the Treaty party was questioned repeatedly about whether they were lying, and despite repeated assurances, subsequent events indicated that they had indeed lied:

"Is this what the Treaty is about—about helping the people out and giving them free medication?"

"Yes", they were told, "this is what the Treaty is all about."

"But you are lying. You being white men lie a lot. In the future, I think you will be talking about other things, and keeping us away from certain things."

"No, we will not be talking about other things, and we will not be keeping you away from certain things", they were told. "We want everyone to live like one big relation. And if things turn out really well, we should be living well among each other. This is what the Treaty is all about", they were told.

"No, we will not take that money."

They were told, "But you have to take the Treaty. That is what we are here for."

"No, I think that in the future, how we fish and how we hunt for caribou and trap for beaver and so on, and how we hunt our caribou and moose, in the future I think you will be preventing us from doing these things."

They were told, "No that is not true. You can continue to hunt and live as you do, and we will not be counting anything."

My father said, "No, I think you are lying. In the future—say 10 or 20 years from now—after you have fixed things very good for yourselves, you will be starting to count things and preventing us from doing such things. And if I am still alive when these things happen and you change things, I will be here to talk to you about that." ... About 11 years following the Treaty, beaver was one of the first animals to be shut down. We could no longer hunt beavers. We were allowed to get 10 beavers only. This happened while my dad was still alive. While my father was still alive, the government had said that you are allowed only to shoot 10 beaver, and we will make a paper regarding this.

Two years following this, the government shut down the marten hunting, and you were allowed only 10 martens. So the people went out and only could get 10 marten each. They also hunted fox and beaver at that time too.

After that my father said, "The Treaty party told us that they will not do these things, and they are not lying. Well I think they really lied to us."

So he went to talk to Johnny Yendo's father, and told him that the white people were lying after all. "During the Treaty, what was all said, I guess it was all a big lie." My father went on to say, "Where is the person that was passing out the money, and where is the Bishop?"

He was told that the person at the Treaty—the one that was passing out the money—had moved back south, and he had died. I think they were lying to the people about this.

My father told the government people, "I am still alive, and you have shut

down the beaver and the marten hunting for us. You have really lied to me about the Treaty." They really lied to us. (Paul Ekenale, Pehdzeh Ki 1993)

In Tthek'edeli, the history of community self-reliance was a major source of pride and initiative. The way government regulation and paternalism undermined specific businesses and hamstrung self-determination is a continuing problem. Just as people from Sambaa K'e and K'agee reported having to travel to another community to take treaty, so did people at Tthek'edeli:

[Question: How often did the people meet to pick up their Treaty payment?] Once a year. Wherever the Treaty party was, that's where they gave out the payments. Before when the people needed food and other supplies, they had no source of transportation so they would harvest some trees and make a raft, and float the logs down the river and sell them as fire wood. With the money they would buy a motor and make a boat, buy some gas and come back up the river with a boat. That's how it used to be. When the people were on their way back some people shot a couple of moose so they had to stay there until the women made dried meat with all the meat. They figured that they had to make dried meat or the meat would spoil. (Sarah Hardisty, Tthek'edeli 1993)

A number of people from Pehdzeh Ki and Tthek'edeli talked about the Treaty negotiations in Liidli Kue, noting the Treaty party selected a leader other than the man negotiating for the people and promising him a bounty in supplies. In Liidli Kue, little was said directly about selecting the first Chief; however unkept promises, such as provision of supplies in time of need, was emphasized. As well, a number of elders spoke of the difference between the rights of Dene and those of newcomers on Dene lands:

All these three days of meetings and negotiations, the land had never been mentioned, never been bought or been buying it. We exchanged gifts, for friendship. Every year we're going to be doing that. And later on they're supposed to talk about that again. Every year we're going to talk about it—which never took place. Well, they paid out the Treaty, and they tell them what's the law about this, and do not shoot ducks or stuff like that, but I guess the Native, they want to know if you're going to work among us, what do you want done? Well they say, "If we want to trap, if the white man wants to trap, he's got to have a paper. Not like you—if you want to go out and shoot ducks any time you want, it's your own land. This still is your land, and you are the boss of the land. If you don't like what we do, tell us." ...
(Leo Norwegian, Liidli Kue 1993, conducted in English)

Hatlohdehechee and Ts'ueh Nda were the only community in the study from Treaty 8, signed in 1899. The elders from Hay River reported that the Treaty was signed in Fort Resolution, a difficult journey from Hatlohdehechee:

[Sunrise] was a leader for this Hay River people. Well, this Hay River people, according to my father, I guess they went and got their Treaty money in Resolution. They went for their Treaty money in Resolution 3 times. And on the fourth time, they didn't take much grub with them, and they were wind-bound. Some were pretty hungry by the time they got to Resolution. Then when the Hay River people — the Treaty was going to be paid, the Chief told the Indian Agent, "Next summer, if you want to give me my Treaty money, you have to go to Hay River. I'm not coming back to Resolution." [laughs]

(Frank Norn, Hatlohdehechee 1994, conducted in English)

In Hatlohdehechee there was considerable interest and history of the Treaty negotiations, the "real" text of the Treaty, and the many unkept promises.

She [Victoria Martel] said, we didn't see but we heard that they're telling stories about the first Treaty. And she said when the Treaty party came in, they were going to give Treaty to the people, but the people didn't want to take the money because they thought the white people, they're lying to them. So they been talking about it for 3 days, and finally they didn't want to take the Treaty money. So, the Catholic Bishop was here in town — in the village — and he told the people to take Treaty money. I guess the party told him to say that, they promised the people — like he said, Pat Buggins — if the river flowing that way, if the river flows backwards, only then, they're going to change what they said to the people. And the sun is the same, if the sun went backwards, then everything will be changed, but if the river is flowing the way it is, and the sun is too, they're not going to change anything. So, that's what the Bishop told the people that this party, they were telling them that. Only then, they didn't really want to, but he begged them, so they took Treaty money. ...

The bishop told them that nothing is going to change. All the fishing, hunting, and trapping, it's not going to change. Everything will be the same always. And then, finally they said okay. They took Treaty. ...

They don't keep their promises....

They said, they promised the people that they're not going to stop people shooting ducks and geese, everything, and they didn't keep their promise there. And for the beaver too, one time they closed everything for the beaver for 2 years, and all those promises, just forgotten. ...

She says, one time the Indians were allowed only one moose to a person, and if you killed 2 moose, you're going to get charged for it. ...

They closed for hunting beaver, too. For 2 years they didn't kill any beaver. Game people -- game warden, whatever you call them -- they're the ones....

She said, how many years now, they've been talking about land claims. When they gave out Treaty, that time they said nothing's going to change but now they're trying to change everything now. Land claims, that's all they talk about, she said.

(Victoria Martel, translated by Sarah Lamalice, Hatlohdehechee 1994)

As with Treaty 11, elders in the Treaty 8 community of Hatlohdehechee spoke of the duration of treaty negotiations, concerns over land and hunting, and the role of the (same) Bishop:

He [Daniel Sonfrere] said, when they first -- before they got Treaty money in Resolution, they had a meeting about it lots of times before it happened. ...

He said, they were having a meeting, and people wouldn't take money, because it's for our land, so they didn't want to take the money. It took them 3 days. ...

He said, you're getting this Treaty money so the government could take care of you guys, not for the land. That's what they told them -- the party [Treaty party] told them. ...

He said, as long as you're getting this 5 dollars every year, that nobody's going to stop you from hunting, fishing, trapping. You [can] always do that while you're living, and for the medicine, if they're sick, there always will be somebody there to help the people. That's what they promised them. ...

They told them that all the people, all the Indian people and Eskimos, they'll be looked after really good. That's what they promised the people. ...

He said, the Bishop was there, and he told the people that this big river, if it flows back and the sun goes back, only then they'll change their word. But as long as the river is flowing the right way and the sun is still going the right way, your promise won't be broken. It will be like that all the time. That's what the Bishop told the people. ... They said that when the Bishop spoke to the people and the people told each other that he's using God's words, talking to people, so he wouldn't be lying, because he's working for God. And he's telling the truth. That's what people talked to each other and they said that so ... Three and a half days, that's how long they were talking, and then finally they said okay.

(Daniel Sonfrere, translated by Sarah Lamalice, Hatlohdehechee 1994)

Many Hatlohdehechee elders spoke of the power and wisdom of their elders and the farsightedness of those who were involved in the Treaty. They also responded to questions about the political organization of the early Chiefs and Councils: how leaders were chosen, the determinative role of elders, councilors representing major families or groups, the responsibility of leaders to visit the people to discuss the issues of the day, and the way the current system has strayed from the proper way of governing.

This Band in Hay River here, it's got a chief and 4 councilors. And then they don't see them at all. Away back about 50 or 60 years ago, they just had one councilor and a chief. And it the councilor doesn't go around, the chief goes and sees all the people. White people, Treaty: they were all the same. Same when Daniel Sonfrere was the chief, and he was the councilor before even they made him a chief. It was the same guy, he goes around checking up on the people. Treaty or no Treaty, it was the same for him.

And now, well, just come and think about it backwards. The Indian culture, it's gone, and everything is going in a white man way, like. The Treaty number 8 was ... Well, all these people were born on crown land, and now they got a reserve. That reserve law, it's far different than the crown land. Because in 1954, when they had a big meeting in Fort Smith, I was there, and about 2 years after that, the Indian Agent from Yellowknife sent me 3 books. They were pretty good books. One was about reserve, but at that time there was no reserve here in Hay River. When you look back at it, it's far different.

(Frank Norn, Hatlohdehechee 1994, conducted in English)

In the nearby Treaty 8 community of Ts'ueh Nda the major concerns revolved around Treaty rights and commercial fishing: illegal restrictions on Dene fishing and fishery management, and mismanagement of the fishery on Great Slave Lake by the federal government.

> He said it was an agreement so the white people can travel over the land, eh. And it's through it they get schooling and housing. And hunting and fishing would not be changed while the river kept flowing east and west and the sun kept rising in the east and setting in the west, it'll never be changed. And that's what they stressed for it, that way. So that's how they signed the agreement. ... [It was] more or less sacred to them. It would have to be -- it's our land and our waters—it's our lives, you know. ... We pretty well have to get control of our resources. That's the only thing, it's just about out of our reach now. Namely, it's fish. In the lakes, not only this one, but all over as far as that goes. Anybody—don't have to have grade 10 or 12 to catch a fish, so they can eat it or barter it or whatever, make a decent living. It's getting so bad we can't even do that now. I've been at it off and on since day 1 here, '48, '49, I guess. But you can't rely on it, not commercial fishing, not that way anyway, you know. Right now, small whitefish, this last season, I seen it on paper, they're only paying 25 cents a pound for that. At the border over here this winter, my son and I went to Meander -- we went to pick up an old truck there -- we were in the cafe there at Indian Cabins. Frozen whitefish were on, 4.50 a pound. I just about fell over, [laughs] I told Kenny, look at that, I said.
>
> (Jim Thomas, Ts'ueh Nda 1994, conducted in English)

Finally, in K'agee, the land and its protection were the main issues, along with building a healthy community. Treaty 11 was a promise to enable Dene to do what was necessary to achieve these goals (and others), but a promise that needs to be strengthened for the future.

> Yes, my dad, he passed away in 1984. Before he had that stroke, he used to tell us stories about when they first had the Treaty. Like today, when you have a meeting like that, you have everything written down, but in those days, it wasn't like that, he said. So it was kind of hard. They didn't know what they were getting themselves into, because they were living out in the bush all the time. The only time they go to town is when they need supplies, like tobacco and stuff like that. They go down to Providence. That's when he said they first had the Treaty, they said they're [Dene] going to have their way, hunting and that. They won't stop anybody from hunting and trapping and fishing. But they said as long as the river flows -- doesn't flow backwards, and the sun ... everything will be okay, they said. But, he was saying that a lot of things that's being said -- in those days, I don't think anybody hardly speaks English. So whoever was interpreting didn't understand what was really going on. So they signed the Treaty. They didn't know what they were getting into, but they just signed it anyway. ...
>
> [T]hey said when they first signed the Treaty, they could do what they want on the land. Like hunting, and fishing, and all kinds of things. They could just do what they want. So they agreed to that when they signed the Treaty.
>
> (Sarah Chico, K'agee 1994, conducted in English)

Elders in the nine communities also expressed certain common views. Principal among these was great emphasis that the land was never given away, and even considerable emotion at the very thought of giving it away. Many elders vehemently stressed that interference with their economic activities and with their management and control of their lives and lands was a betrayal of the treaty agreements. The numerous accounts of the failure to provide promised supplies and services was seen as further evidence of bad faith.

> My grandfather told me about the first Treaty. They had meetings for 3 days. Some people are going to come among you. 'We should make a paper because things are going to change among your people. What we will give you is medicine you don't have to pay for. On your land, whatever you do is your business, and nothing is going to be closed from you.' This time of the year, they gave us shells. In that time, there was a lot of people living in the Horn River area, and people went hunting for ducks, muskrats, and we lived like that all the time. My grandfather said, at the Treaty, in the statement made on the paper, nothing is going to change again. Whatever we said on this paper will stay like that. Everybody signed that paper, and everybody signed their name when they handed out payments. They reminded us again that we're going to be looked after properly. And that's what they did at that meeting.
>
> (Vital Brule, Zhati Kue 1993)

Thus, the interviews provided a highly contextualized view of the treaties and the way of life at the time they were negotiated. This description is intended to give a sense of the diversity and detail of the treaties. What follows is a more selective, analytical treatment of the interviews where the information is grouped according to the topics they contain.

3b. Treaty Interviews

Description of Treaty Interview Data

There are a number of critical variables in the treaty interviews that affect their comparability and their comprehensibility by non-Dene:

- **language:** The vast majority of the interviews were conducted in Slavey; only 7 of 67 interviews were in English. The analysis presented here derives from the English interviews and translations into English of the Slavey interviews. The regional English dialect was also a factor, as the intended meaning of certain phrases was not immediately understood

by the researcher. For example, it was only after a number of repetitions that I understood the commonly-used sentence (applied to quotations from the Treaty commissioner) "nothing will be closed to you" to refer to promises that there would be no closed-seasons or restrictions—no externally imposed regulations— on Dene hunting and trapping. As well, broader statements like "whatever you do on the land is your business" were interpreted to apply not only to individuals but to collectivities of the people. Further, certain apparently clear expressions were highly symbolic, adding meanings that I did not initially fully comprehend. The best known example is the expression about "as long as the sun shines and the river flows" which I interpreted to mean that the treaties were guaranteed to be eternal and unchanging. Less familiar was the expression about "taking the money" which referred to accepting the treaty, not only initially but on subsequent "treaty days," such that a treaty boycott over perceived treaty violations involved refusing the treaty payment. Thus, money had the symbolic meaning of acceptance/agreement. Other terms having additional symbolic significance included "living together as one relation," meaning (in part) entering into an ongoing, peaceful, mutual relationship in the manner of kin, and the treaty being "like a handshake" which I came to understand symbolized a serious, solemn and truthful agreement, analogous to swearing on a bible.

- **interviewer/translator:** A different interviewer/translator was employed in each community and the method of interviewing and translation was geared to the comfort and experience of the particular interviewer/translator. Hence, while many interviews were conducted entirely in Slavey and afterward translated into English, in some communities the interviews were translated into English in segments throughout the course of the interview. As well, each interviewer/translator possessed different skills in both Slavey and English and they had a variety of relationships with the elders being interviewed. The status of the interviewer in the community (family connections, occupation, relationship to leaders, etc.) likely was a significant factor as well. Interviewer/translators also had different

interests in the subject matter of the interviews and emphasized various topics, or, in some instances, did not demonstrate a particular interest in the reseach topic at all, a situation which generally caused elders to respond with minimal information. Interviewer's and researcher's interests were offset by the very broad nature of the initial questions (i.e., "Do you have stories about the first treaty?"), permitting elders to select the information they considered important to impart at the time. The interviews also employed a general "guide" to assist the interviewer in selecting specific topics (see Appendix 3), with the proviso that it was better to let the elders determine what was important and only ask questions—and only on material that they may not have covered already—after allowing them to speak. However, in practice some interviewers were distracted by the questions, resulting in stilted answers from elders who may have felt constrained and discouraged from presenting their history in the manner they felt appropriate.

- **the nature and history of communities:** In many ways, communities are not the logical unit of analysis of information on Dene treaties, governance or land use. Current Dene communities did not exist as such at the time the treaties were negotiated and are not organized according to Dene social organizational principles. Consequently, when people describe the way things used to be for "us" in the past, or the way "we" did things, it is important to keep in mind that they are not referring to the community collectivities that exist today, but to other collectivities such as: a local group whose lands were in a particular area; a kin group; a group or groups trading at a particular place; a group formed by people who attended a residential school and were separated from their families and later chose to stay in the vicinity of the school; a larger group assembled for a time at a fishery, for example, etc. As well, when an elder referred to people of a given community/area as "we," this might refer to only a part of the present community, as a number of Dene groups living on the land at the time of the treaty negotiations came together to form the communities.

- **community demographics:** Some of the smaller communities had few elders who were willing and able to participate in the project, resulting in a smaller and more individually-oriented body of data (i.e., the descriptions were those that a small number of elders deemed significant).

- **community treaty history:** Each group of people had different historical experiences when the first treaties were negotiated. Some of these differences are reported or suggested from other sources and some are described in these interviews. For example, in Zhati Kue where Treaty 11 was first negotiated, there were extensive and well-remembered talks, whereas in Pehdzeh Ki the manner in which Chief Yendo was selected and the question of how his name appeared in syllabics on the Treaty is an important issue. In Ahcho Kue, the Treaty was negotiated a year later under a different commissioner and, according to elders, with less negotiation. In Liidli Kue, the treaty party appointed as chief a man who was willing to sign the treaty rather than the recognized leader who wished to continue negotiating as he was not satisfied with the terms. In Ts'ueh Nda, the ability to protect and manage a Dene fishery was and continues to be an important concern, and in Hatlohdehechee and Ts'ueh Nda, the treaty history applied to Treaty 8, signed 22 years prior to Treaty 11 and under somewhat different circumstances.

- **contemporary community history:** At the time the treaty interviews were conducted, communities were engaged in activities that may have impinged on the interviews. As well, the relationships between families and individuals in the communities since the treaties were signed were undoubtedly factors in elders' decisions regarding participation in the research (the relationship to the interviewer/translator is also part of this variable). For example, the nature of elections for chiefs and band councils is currently conducted along majoritarian principles, not, according to elders, following Dene procedures for selecting leaders. This results in large families having considerable influence in the communities and, in some cases, periodic swings between representatives of one family or more. During the research project, Ahcho Kue was in the midst of an election and change of leadership, and elders may have

been reluctant to participate at a time of relative political uncertainty. In Liidli Kue a number of interview research projects were conducted just prior to the treaty project and elders may have felt over-researched, as well as reluctant to discuss treaty history that might be perceived negatively by descendants of an early chief.

- **regional political and historical context:** This treaty research project was organized under the auspices of the Deh Cho First Nations Council. The political aim of this organization in 1993-1994 was to achieve regional self-government based on Treaties 8 and 11 (rather than, say, Treaty Land Entitlement), a goal that was presumably not universally supported. Elders not in agreement with the Council on this or other grounds may have felt unwilling to or constrained from participating in the project. Conversely, those who were in agreement with the goals of the Council may have been particularly eager to be interviewed.

The effect of these—and undoubtedly other— factors only became apparent in the course of the interviews in a particular community. In cases where an elder refused to be interviewed, it could be assumed that some of these factors may have played a role in their decision; however, in practice it was generally impossible to determine with certainty why a particular elder may have declined to take part in the research.

Factors affecting interpretation of Treaty interviews

The factors described above resulted in a variable and difficult to generalize data set. Not only was it unproductive to draw comparisons between communities due to diversity in the data collection and history, but individuals in a given community were not necessarily from that area originally and their historical information at times pertained to a distant area (e.g., one man from Pehdzeh Ki discussed the treaty history of Fort Rae in Dogrib country).

Consequently, notwithstanding the interesting differences noted previously between elders' testimonies from the nine communities, there are limitations to the use of the community as an analytical unit, and the analysis below will focus on the interviews as an entire data set rather than subdividing it by community. The

topics mentioned in each interview were recorded along with information on the gender of the elder, the community in which they reside, and the sources they identified for their treaty information. This information is summarized in Table 1, below. Examples of entire interviews from which this information was abstracted are given in Appendix 4.

Although not a predetermined or elicited topic, the category of "source of treaty information" proved interesting. Elders spontaneously and routinely identified their sources of information in all but 5 interviews. The sources were three generations: the speaker's (as a child), the speaker's parents' generation, and the speaker's grandparents' generation. In general, the interviews for which no sources were named were not the most detailed, possibly a function of either the speaker only having heard general, public information rather than being told/given histories from specific individuals, or of the speaker being reluctant to share detailed information of any sort.

An examination of the topics about which elders spoke reveals the relative importance elders attached to certain topics (see Table 1, below). For example, 44 elders spoke of land surrender, land ownership, protection and control of land by Dene, whereas only two elders listed education as a provision of the treaties.

The topics can be grouped into 4 types. First are the topics that pertain to 'treaty history' or the narrative of the treaty, such as names of participants, locations where negotiations took place, issues such as loss of original treaty documents, and items of general history at the time the treaties were negotiated. The second category is that of the actual nature of the treaty agreement, in other words its terms/promises/provisions? Conceptually and practically, this category is conflated with the third: the ways the treaty been violated or not kept? It is often through listing the violations that the treaty terms are revealed. The fourth and final category is elders' views on whether the treaty should be kept, which they often expressed in the context of giving their consent to use their interviews and, as mentioned previously, on their sources of information.

What follows is a summary of treaty topics and sample quotations intended to illustrate what the treaties are about according to Deh Cho Dene oral history, how they were negotiated, their terms, and how the relationship established by the treaties has fared since they were negotiated.

TREATY INTERVIEW TOPICS

	Zhahti Kue																Ahcho Kue						Sambaa K'e						
TOPIC	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	67	17	18	19	20	21	22	23	24	25	26	27	28	29
land	X	X	X	X		X	X			X	X	X	X		X		X		X		X	X	X	X				X	X	
negotiated agreement	X	X		X		X	X	X	X	X		X	X	X		X	X	X												
eternal duration	X	X	X				X	X		X				X																
money	X	X		X		X	X	X	X		X							X			X		X	X						
general assistance	X			X			X	X			X		X			X	X	X						X				X	
self-determination	X		X				X	X	X		X	X																		
medicine		X	X				X	X		X		X					X	X						X				X	X	X
supplies	X	X	X		X	X	X	X	X	X	X	X	X	X		X	X	X			X									X
housing		X					X	X																						
economic non-interference		X								X	X			X		X								X				X		
violation of Treaty terms		X	X	X		X	X	X	X	X	X	X	X	X		X	X	X					X							
continue to hold Treaty	X		X				X	X		X				X	X		X	X	X	X	X		X	X	X	X	X	X	X	X
loss of Treaty document			X			X	X			X			X	X																
quality of translation			X+	X+		X	X+	X+	X	X+	X+	X+		X				X+			X	X								X
Treaty as recognition							X						X																	
Treaty as peace, friendship								X	X				X										X					X		X
coercion; fraud								X									X													
concern for future generations	X			X								X			X			X			X			X				X	X	
Treaty history	X	X	X	X	X	X	X	X			X	X	X	X	X			X	X			X	X	X			X		X	X	X
historical context	X	X	X	X	X	X	X	X	X		X			X										X						
education																														
																		eg gm												
source of information	eg	gf	f+	f	f	m	f+	m	eg +	eg +	e	m e	hu	hg f+	f	eg	e	gf e	e		m e	f	f	gf	gf	gf	gf	gf	eg	e
gender	f	m	f,m	m	f	f	m	m	m	m	m	m	f	f	f	m	m	m	m	m	m	m	m	m	m	f	f	f	m	f,m

TREATY INTERVIEW TOPICS

	Pehdzeh Ki											Tthek'edeli		Lidli Kue									Hatlohdehechee						
TOPIC	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59
land			X	X	X	X	X			X		X	X	X	X-	X	X		X	X	X	X	X	X	X		X		X
negotiated agreement			X	X	X	X	X	X	X	X	X			X		X	X				X						X		X
eternal duration		X	X	X	X		X	X	X	X	X	X		X		X					X				X	X	X		X
money	X	X						X				X		X	X	X		X	X	X				X		X			
general assistance		X						X		X	X		X			X			X	X							X		X
self-determination			X		X									X		X	X												
medicine				X				X			X					X				X								X	X
supplies			X	X						X	X			X	X	X	X		X		X					X			X
housing																X			X										
economic non-interference		X	X	X				X	X		X			X		X								X		X	X	X		X
violation of Treaty terms		X	X	X		X	X	X	X	X	X			X	X	X	X		X		X			X		X	X	X		
continue to hold Treaty									X		X			X	X-	X		X			X					X	X	X	X	X
loss of Treaty document			X	X		X	X										X				X	X								
quality of translation			X											X		X	X		X				X						X
Treaty as recognition																														
Treaty as peace, friendship				X	X			X		X			X	X		X					X								
coercion; fraud	X			X				X	X		X	X		X		X	X		X	X			X						
concern for future generations			X						X	X			X			X			X										
Treaty history	X	X		X	X	X	X	X	X		X	X	X	X	X	X	X			X	X	X	X	X	X	X	X		X
historical context		X	X					X	X				X							X	X	X	X	X		X		X	X
education																X													
source of information	f,p		eg f	3e	e	f	eg	eg f	br e	si e	f	eg	eg	gf e		un f	gf	f	eg f		gf f	gf	fil gf	f	f	f	fil	f	hu	f
gender	m	m	m	m	m	m	m	m	m	m	m	m	f	m	m	m	m	m	m	f	m	m	m	m	f	m	f	f	f	m

TREATY INTERVIEW TOPICS

	Hatloh dehechee			Ts'ueh Nda		K'agee	
TOPIC	60	61	62	63	64	65	66
land		X?	X	X	X		
negotiated agreement	X	X	X				X
eternal duration		X		X	X		
money		X	X				X
general assistance		X					
self-determination	X						
medicine	X	X					
supplies			X	X	X		
housing				X			
economic non-interference		X		X	X		X
violation of Treaty terms	X	X		X			X
continue to hold Treaty	X	X	X	X			
loss of Treaty document							
quality of translation					X		
Treaty as recognition							
Treaty as peace, friendship			X	X			
coercion; fraud							
concern for future generations		X					
Treaty history	X	X	X	X			
historical context	X	X	X	X			
education				X			
source of information	e?	un		f	f		f
gender	m	m	m	m	m	f	f

Key

+	positive response/agreement
–	negative response/disagreement
br	brother
e	elder
e+	elders; elder and others
3e	three elders
eg	ego (eye witness/personal observation)
f	father
f+	father and others
fil	father-in-law
gf	grandfather
gm	grandmother
hgf	husband's grandfather
hu	husband
m	mother
p	parents
si	sister
un	uncle

Interviews: Deh Cho Dene oral history of Treaties 8 and 11

The exercise of ascribing discrete topics to the elders' oral histories is in large measure arbitrary for a couple of reasons. First, elders did not divide their history in this manner but portrayed an interconnected picture of the treaties and the events of the time. Second, the topics are themselves interconnected, as in the relationship between land, economy and governance—all needed in order for Dene to continue to hunt, fish, trap in a manner consistent with the quoted promise that "whatever you do on your land is your business." Consequently, although the topics have been artificially separated, the quotations often deal with multiple topics and reflect their actual interconnectedness.

In the description which follows of the topics I identify from the inteviews, I indicate in how many interviews each topic was mentioned. The objective in providing these numbers is to indicate whether many or only a few elders chose to speak on each topic and not to suggest that these numbers imply greater or lesser agreement on the validity of the topic or support for a particular view. Thus, if 23 of 69 elders chose to mention a topic, this does not mean that 46 elders were in disagreement or considered the topic irrelevant, for example. Rather, it indicates that 23 elders, or about a third of those interviewed, considered it important to include a certain topic in their description of the treaty. In addition, in many of the interviews elders were prompted by questions that elicited information on some topics but not on others. Thus, if only a few elders spoke on a topic, it could mean that it was not one for which responses were elicited, or that they were the only elders with information about it, that certain topics were brought up in the original treaty negotiations in some communities but not in others, or that certain topics were interpreted as part of the treaty by certain sources but not by others. I did not attempt to distinguish between these or other possible interpretations, and thus the numbers of interviews where each topic was mentioned are general indicators only.

What, then, are the basic tenets of the treaties negotiated between the Dene and the government of Canada in 1899 and 1921 and recorded in Dene oral history?

1) Negotiated Agreements:

In approximately half of the interviews (33 interviews), elders described the events of negotiating the treaties. In this research, elders reported that extensive discussions occurred and Dene were cautious and suspicious of the government's motives. Even after assurances that their economic, political and land interests would be protected, and that certain things they wanted (such as medical care, education, and supplies) would be provided, many elders reported they did not agree to the Treaty until a "man of God" (Bishop Breynat) vouched that the treaty would improve life for Dene and its terms would be honoured.

Elders' Statements:

> According to my father, when the Treaty was signed, there was something else that [the Treaty party] wanted but they did not tell the people about it. Nowadays, all the talk is towards the land claims and that, about the lands and from what I remember my father telling me back then, when he was talking to the people back in 1921, that's what they were after, and now they're talking about the land. (Wilson Pellissey, Pehdzeh Ki 1993)

> I heard about the Treaty through Alphonse, my first husband's grandfather. The first Treaty took place in 1921. First, they had a really hard meeting. They kept saying "no, no, no, we're not signing", because they weren't sure and they didn't want to sign it, because it was an all-of-a-sudden thing.
> (Mary Agnes Bonnetrouge, Zhati Kue 1993)

> The people didn't want to take the money so they talked about it a long time before they took it. [he heard both 3 weeks and 3 days] The people didn't know what they were going to have Treaty for. They didn't understand it so they were having a meeting about it for a long time.
> (Edward Fabian, Hatlohdehechee 1994)

> When the white people came around and told the people they would pass out money to them, at that time Uncle Moses [Paul Moses' father] talked to the Treaty party and asked them if they were going to make things harder for the people in the future. The Treaty party replied, "No." The Treaty party went on to say that "how you live and work, you'll always continue to do that as long as the river flows and the sun shines," and that "we will not change our words." They had a Bishop with them and the Bishop confirmed that with the people. And the people, seeing how the Bishop works for God, they should believe him. And that was how the Treaty went about, and the people agreed to it because they believed the priest. The priest also told them that the government is trying to help you, not to make things difficult.
> (Boniface Nayally, Pehdzeh Ki 1993)

> They had real hard meetings. There was a lot of thinking. When the Bishop came, he backed up the Commissioner.
> (Pierre Lacorne, Zhati Kue 1993)

Ahcho Kue did not enter Treaty 11 until 1922 because the Treaty party failed to reach that community in the previous year. One interview emphasized that there was less negotiation there than in other locations:

> My dad [Treaty translator in Ahcho Kue] used to tell me about the treaty and he travelled to Fort Simpson and a lot of other places in the north and he told me that the Treaty party did not say too much about the Treaty and why it was given. (Bill Berreault, Ahcho Kue 1993)

The negotiations in two communities were problematic, and the issue of fraud and irregularities arises. In Liidli Kue, during a break in the negotiation a deal was struck with a man who was not the designated leader. In Pehdzeh Ki, a respected elder (Ekenale) declined to be chief and named his son-in-law (Yendo) in his stead. Although he was not present at the meeting and he could not write or read, Yendo's signature appears on the Treaty in syllabics.

> When Julien [Yendo] came home from his duck hunting, he was approached by the people saying that he's now their new chief. They appointed him in his absence. Later on, he said he saw that his name was written in Slavey on the document. He had never written on anything because he was out, and he was wondering who did that. (Felix Tale, Pehdzeh Ki 1993)

> It was said the Julien Yendo signed his name on the Treaty but then the people were saying that it was the Bishop that signed the name for him, and it was not Yendo's name. (Baptiste Betsedea, Pehdzeh Ki 1993)

> I asked my father if he had signed anything, and my father said 'No'. And yet my father and I saw a piece of paper with his name written in the Slavey dialect. But my father didn't touch a pencil or anything and didn't know how his name got on that document. (John Yendo, Pehdzeh Ki 1993)

> When the whiteman said, 'If you say yes towards the Treaty, next year when the boats come, you can have whatever you want and lots of it. That will come to you on the boat.' And that was a lie, a big lie. ...Besides the Treaty money, whatever they promised my father back then, they really misled my father, and that's how they had the Treaty signed. (Julian Antoine, Liidli Kue 1994)

> But then and now, people of Fort Simpson said no to the treaty signing. But there was this one person, Julian's father. Anyway, after everyone refused to participate in the signing, Antoine Antoine returned to the Treaty party and signed the document. (Margaret Edwards, Liidli Kue 1994)

2) Land:

Land is pivotal to the interpretation of Treaty 11, and was discussed by 44 of the elders participating in the project. From the Canadian

government perspective, the Treaty was intended as an instrument of land surrender. From the Dene perspective, there was no reason to surrender their land—there was and continues to be very little pressure from Euro-Canadian settlers, and their entire subsistence came from their hunting and trapping economy. During the negotiation of the Treaty, Dene report that land cession was either not discussed at all, or denied. They also linked promises of economic protection to assurances that their land rights would be protected, since the two are fundamentally interconnected. As Commissioner Conroy reported, they feared that their "liberty to hunt, trap and fish would be taken away or curtailed, but they were assured by me that this would not be the case, and the Government will expect them to support themselves in their own way, ..." (Canada 1957:3).

Elders' Statements:

No. It wasn't about giving up land, no. (Sarah Chico, K'agee 1994)

About the Treaty, they had said that this is our land. They said, my father was telling me, he [the Commissioner] said "Nobody is going to bother you for land, and nobody is going to chase you away from the land. Whatever you want to do is your business."
(Margaret and Jimmy Sabourin, Zhati Kue 1993)

As the Commissioner and the Bishop were there, they reminded the people that never again will they be bothered for land. "I will accept that money as long as you don't mention land." Finally, towards the end he was convinced that no more will they talk about the land. (Joseph Farcy, Zhati Kue 1993)

"This land was made for you by God. As long as you live on it, all the food that the land provides, as long as there are fish and animals on the land, and nobody's going to take it away from you." My mother said this was the translation that the people understood. (Madeline Canadien, Zhati Kue 1993)

The Chief was worried about the children that are in the future. If it was about the land, our children are going to be pitiful. I remember my husband speaking about that. This had nothing to do with the land. It was just for...we're going to live together. (Elise Gargan, Zhati Kue 1993)

No, it was not for the land. It was told to me by others that it was not for our land that they gave us the Treaty. The Treaty was given to us as a present and a gift of thanks for the people to pass on our land, and that the Treaty would be given to us every year. This I know because I have heard it from the people who have passed away. (Harry Fantasque, Ahcho Kue 1993)

> They were told, "when you take the Treaty payment, as long as the sun does not shine and the river does not go backwards, we will not be discussing the land." (James Moses, Pehdzeh Ki 1993)

> A long time ago when the Treaty was going to come in, a lot of people said no, because maybe they would take over all their country and everything. Also, he might take the land away from you, but later on they talked to one of the priests who went around to the people and said they won't take anything away from you. They just want the Treaty—he will give you things for free. (Edward Jumbo, Sambaa K'e 1993)

> All these three days of meetings and negotiations, the land had never been mentioned, never been bought or been buying it. We exchanged gifts, for friendship. ... Every year we're going to talk about it—which never took place....They started coming out and saying, "You already gave up your land for 5 dollars." Well, there's no human being in their right mind would give up their land for 5 dollars. If at that time we spoke, "This is for your land; we're buying land," there's *no way* they would have made a deal. Those people, they're not stupid. (Leo Norwegian, Liidli Kue 1993)

3) Peace and Friendship

16 elders chose to acknowledge peace and friendship as objectives of both parties to Treaties 8 and 11. They often juxtaposed land and peace, stating that the treaty was not about land surrender but for peace. It is worth noting that peaceful relations were not always something that could be taken for granted. Honigmann related the murder of a fur trade factor by Dene in the Fort Nelson area in the early 1800s (Honigmann 1946:66). Also, after the experience of the Yukon gold rush of 25 years earlier, the government sought to prevent conflict between Aboriginal people and incoming mining interests. Dene had witnessed increased Euro-Canadian activities, such as surveys, mining, and the influx of non-Dene trappers and commercial fishermen and wished this activity to be regulated and their economy protected. For Dene, this is the primary purpose of the Treaty: to establish peaceful relations between the two nations, to "live together as one relation" (Paul Ekenale, Pehdzeh Ki 1993).

Dene were familiar with negotiating peace treaties (e.g., Helm and Gillespie (1981) described the peace negotiated between the Yellowknives and the Dogribs in the mid-1800s) and the treaties with the Crown would not be unfamiliar as peace treaties with other nations that acknowledged, rather than impinged upon, Dene economic and political autonomy. Further, the Treaty

payment was seen as a cement guaranteeing ongoing peace and friendship between the nations, reinforced and relegitimated annually.

Elders' Statements:

The Treaty was given to us for peace, but not for our land.
(Fred Berreault, Ahcho Kue 1993)

Well, they said it's for white people and Indians, just like they're all friends together. That's what it's for, they said, not for the land.
(Edward Fabian, Hatlohdehechee 1994)

The government told them that they were not talking about the land. What they are talking about is that there will be more white people coming to Canada, and Canada is a big land, an we want your opinion whether you think it's right or not that we come here. And we want to live together like one big relations. This is what we are talking about, and we are not talking about the land.
(J.B. Williams, Pehdzeh Ki 1993)

During the three days that they met, the government officials—the Treaty party—tried to convince the people to take the treaty because it would be good for them—it's a peace treaty. ...
When he [William Antoine's mother's grandfather] got back to his people, after the three days, he told the people that with the Bishop there and everything, what they are talking about is true and all they want is a peace treaty.
(Felix Tale, Pehdzeh Ki 1993)

My mother said that towards the end, they couldn't get an agreement. Bishop Breynat was there, and he said that only if you sign the Treaty will you get help. And we will become friends, we are going to become friends.
(Michel Landry, Zhati Kue 1993)

At the first Treaty they gave out payments of 12 dollars each, and then the following year they gave us 5 dollars. I guess that 5 dollars was meant for peace. We are to live together as friends and love one another, the Indian and the white man.
(Joseph Landry, Zhati Kue 1993)

Every time the Native, they get together, they exchange gifts, to keep the friendship and make sure about that. 'So that's what we're going to do. We give five dollars to each person, every year, and flour or sugar or whatever you need—we'll give you that—to be working with you people. We're just newcomers.' 'All it is, they're giving us 5 dollars a year, that's just a handshake. Each year, handshake and friendship. We keep peace between us. That's why they're giving that stuff for.' That's the way he [grandfather] understood. He didn't think we sold anything. There's no way on the earth, he [grandfather] didn't believe that we surrendered anything. We just made peace with another nation, and that's the way it was.
(Leo Norwegian, Liidli Kue 1993)

4) Economic rights

As noted previously, many of the categories of rights identified here are to a large extent arbitrary, as the underlying issues are interrelated, particularly those regarding land, economic and political rights. Thus, Morrow could find that promises of continued hunting, fishing and trapping rights constituted support for continued land rights, because the latter would be impossible without land:

> Throughout the hearings before me there was a common thread in the testimony —that the Indians were repeatedly assured they were not to be deprived of their hunting, fishing and trapping rights. To me, hearing the witnesses at first hand as I did, many of whom were there at the signing, some of them having been directly involved in the treaty-making, it is almost unbelievable that the Government party could have ever returned from their efforts with any impression but that they had given an assurance in perpetuity to the Indians in the Territories that their traditional use of the lands was not affected.
>
> (*Paulette caveat* 1973:141)

When Treaty 11 was negotiated, the Dene economy was based on hunting, fishing, gathering, and trapping. Dene sought assurances that their freedom to conduct these activities (and potentially others) would be protected; and there would be no interference. For example, from one of the 24 interviews where this was discussed,

> When the white people came around and told the people they would pass out money to them, at that time Paul Moses' father talked to the Treaty party and asked them if they were going to make things harder for the people in the future. The Treaty party replied, No. The Treaty party went on to say that how you live and work, you'll always continue to do that as long as the river flows and the sun shines, and that we will not change our words.
>
> (Boniface Nayally, Pehdzeh Ki 1993)

Both Treaty commissioners (Conroy and Harris), and information collected in this study record the emphasis Dene placed on securing their economic future, and the assurances they were given in this regard. Although their economy rested on traditional hunting and trapping at the time, there is no evidence to suggest that Dene intended to restrict their future economic options.

> A lot of times I heard about the elders saying that it wasn't land that they signed [the Treaty] for. We as Dene people know our land. But what's in it? Gas and oil, like that. We don't know nothing about that part. If they want to use our land to get money out of it, maybe they should give us money. Then it will be

okay, I guess. But how about our children in the future? They have to use the land too. (George Minoza, Zhati Kue 1993)

Not only did the Dene receive assurances that their economic activities would be protected, but also they negotiated promises that there would not be interference. They were specifically worried about hunting regulations and unrestricted access to their lands by non-Dene trappers, but expressed general concerns about an introduction of any outside authority telling them what to do. Their concerns were often expressed as complaints that these promises weren't kept and those who made them had lied.

Elders Statements:

When we accepted the money, nothing is supposed to be closed to us. Everything on the land is going to be open. That was one of the conditions that they accepted the money. (Pierre Lacorne, Zhati Kue 1993)

My grandfather told me about the first Treaty. They had meetings for 3 days.... "On your land, whatever you do is your business, and nothing is going to be closed from you." (Vital Brule, Zhati Kue 1993)

[Question: Did they mention anything about self-government?] I remember my elders talking, and they said "nothing is going to be closed to you. You can shoot moose if you want—you can hunt anything you want." Until today, it's still happening. I don't remember them talking about the land. They also mentioned that we will live the way we want. I remember the Commissioner saying that wherever you live on the land, you will be looked after.
(Johnny Nadli, Zhati Kue 1993)

The Treaty party said, "You will continue to hunt and live off the land as long as the world lasts, and we will not be preventing you from doing that. And we will not be counting things for you." (Paul Ekenale, Pehdzeh Ki 1993)

Lots of people asked him [grandfather] "What about the land?" And he said, "The land never been questioned. The land, as long and the sun rises and the river flows and the grass grows, you do what you want. This is your land. You can hunt, fish, do what you want. This is your land."
(Leo Norwegian, Liidli Kue 1993)

That's when he [her father] said they first had the Treaty, they said they're [Dene] going to have their way, hunting and that. They won't stop anybody from hunting and trapping and fishing. But they said as long as the river flows—doesn't flow backwards and the sun ... everything will be okay.
(Sara Chico, K'agee 1994)

When they first used the Treaty, the trappers can go anywhere on the land to trap. Now they change everything. If you have a trapline, if you go some other place, the game wardens, they get after you.
(Victoria Martel, Hatlohdehechee 1994)

After the Treaty payment was handed out, 1 or 2 years down the road, the government started shutting things down—they started to shut down the moose and the beaver and the marten hunting. They lied about what they previously said that we could continue to hunt, fish and trap, and to me they lied and people shouldn't lie like this. All the people know that this happened—that the government promised and then they lied.

(Boniface Nayally, Pehdzeh Ki 1993)

5) Self-government/political autonomy

According to the oral history collected in this project, Dene negotiators included in their negotiations their continuing right to be their own "boss" and to have no one else telling them how to conduct their livelihood or restrict their economic activities, mentioned specifically in 13 interviews. They interpreted the government's census of Dene people and assurances that they would not be restricted or interfered with in their pursuit of their economic activities as recognition of Dene as a people and the means by which treaty terms would be carried out. Although the term was not in use by Dene in 1921, today self-government[25] would describe pre-Treaty Dene political organization.

Elders do not customarily state directly that 'we were self-governing in 1921 and negotiated recognition and protection for our political autonomy.' However, they relate how Dene were promised they would be able to continue as before, unmolested on their lands, without interference from outside regulators.

Elders' Statements:

Victor [Lafferty, Treaty translator] was telling me that a lot of people are going to come to our land and they're going to make a mess of things on our land. He said they were going to bother us for land again. I guess this is true—that's what's happening today. As long as the land is here, nobody is supposed to be the boss of it. (Joseph Landry, Zhati Kue 1993)

My father went on to tell the Treaty people that they were not familiar with what the Treaty was all about, and he refused to take a Treaty with them. My father also told the Treaty people that this was our land and we can do what we want—continue to hunt, fish and trap. And if we take the Treaty, things might not turn out too good for us. My father said that this is our land, and as far as he can remember in the past, we always did what we wanted on the land. If we agreed to this Treaty, things might change, and it wouldn't be good for us, so at

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25 Self-government has come to have a number of (conflicting) meanings. The one intended here is broad, more along the lines of political autonomy or sovereignty, having the jurisdiction not only to administer programs but also to enact legislation.

this time he cannot say yes to the Treaty.
(Wilson Pellissey, Pehdzeh Ki 1993)

About the Treaty, they said that this is our land. They said, my father was telling me, he said "Nobody is going to bother you for land, and nobody is going to chase you away from the land. Whatever you want to do is your business." (Margaret and Jimmy Sabourin, Zhati Kue 1993)

[Question: Was anything about self-government mentioned?] At that time, yes, they said "if you fish, hunt and trap, it's up to you to use the land. Whatever you want to do, it's going to be that way."
(Michel Landry, Zhati Kue 1993)

Well they say, 'If we want to trap, if the white man wants to trap, he's got to have a paper. Not like you—if you want to go out and shoot ducks any time you want, it's your own land. This still is you land, and you are the boss of the land. ... They both [grandfather and Old Metsatia] talked to the people so the people were happy because we didn't give up anything or we didn't sell our land. We carry on doing what we were doing before white man came is our business. We governed ourselves for thousands of years and we carry on doing that. (Leo Norwegian, Liidli Kue 1993)

My relatives, the chief then was to be boss.... But the Dene people still wanted their own way of living. Otherwise, they weren't going to take the money. So that was how they finally took the money.
(Albert Horesay, Liidli Kue 1994)

He [Sunrise] said that when they were having a meeting about the Treaty money, they said if the river doesn't flow back or the sun doesn't go back, what they said in the Treaty, it's got to be like that. ... he was the head chief for his people so 'My people is going to be living like that.' And the way, he was the head of everybody, so whatever he says, they follow his rules.
(Jim Lamalice, Hatlohdehechee 1994)

6) General assistance, medicine, education

In addition to the broad areas of political, economic and land rights, Dene negotiated a number of more specific terms. Elders report that aid in the form of medicine (in 21 interviews) and relief (in 22 interviews), and education (mentioned by one elder, who said the Treaty party said "...your child is going to be educated—going to school and you don't have to pay."—Baptiste Cazon, Liidli Kue 1994) were promoted by government as part of the Crown's benevolence and seen as an aspect of the 'friendship' relationship.

Access to western medical care was a concern of Dene, who in 1921 had experienced the effects of numerous foreign diseases, such as epidemics of

influenza, measles and tuberculosis. They sought promises of medical aid and relief for the old, ill and destitute and interpreted as acquiescence statements by the Commissioner and Bishop that "things will be better for you if you sign the Treaty."

Elders' Statements:

"Every time there is Treaty day, money will be paid to you, and then we will help you with everything and you don't have to worry about anything.
(Adeline Constant, Zhati Kue 1993)

[Question: Was there anything else that was promised?] Yes, they used to talk about medicine—that we won't have to pay for our medicine.
(Michel Landry, Zhati Kue 1993)

With that, he said, "as long as the land exists, everything will be provided for you. If you get sick, you will get medicine. As long as you accept that money, you will get free medicine." I feel that the medicine part of it is okay...
(George Minoza, Zhati Kue 1993)

"Is this what the Treaty is about—about helping the people out and giving them free medication?" "Yes", they were told, "this is what the Treaty is all about."
(Paul Ekenale, Pehdzeh Ki 1993)

...they'll be looked after really good.
(Daniel Sonfrere, Hatlohdehechee 1994)

7) Money and supplies

Dene elders report that they were offered money (in 28 interviews) and supplies (in 31 interviews) when the treaties were first signed, which, as quoted above, was interpreted in part as tangible evidence of the treaty agreement. However they describe how the promises of money and supplies were almost immediately broken. For example, in Zhati Kue Dene interpret the reduction in the amount of the payment after the first year as an infringement of the Treaty and an indication of the greater problems to come. In Pehdzeh Ki and Liidli Kue, the promise of free supplies that didn't arrive the second year was evidence of bad faith on the part of the government. Discontinuing supplies for feasts on Treaty days was seen in a similar light.

The offer of money and supplies was viewed with caution. Elders tell that Dene were unsure of the purpose of the payment. They repeatedly sought assurances that they would not unintentionally be selling something valuable,

like their land, by accepting Treaty payments. Their understanding was that the money was to cement peace and friendship and for allowing others to cross their lands.

Elders' Statements:

My father said that at the Treaty party, in the future for our children, they will need supplies like fishnets... to go out on the land in the fall and in the spring. The Treaty party agreed that they would supply them with the materials they needed to go out on the land: fishnets, bullets, food, and the basics they needed to go out on the land. (Wilson Pellissey, Pehdzeh Ki 1993)

I would like to say that they gave us the Treaty. The Treaty was not given to us for the land, and the people did not say that we would give you the land for the money. (Bill Berreault, Ahcho Kue 1993)

...I feel this interview is very important. Right from the beginning they lied to us, because at the first Treaty, they gave us 12 dollars and after that they knocked it down to 5. As long as the Treaty is there, we cannot let go of the Treaty, and we cannot let go of the money. So, what are they bothering us for? I guess eventually they are going to make us pay for our medicine, maybe? But according to what was said at the first Treaty, it wasn't like that. (Ted Landry, Zhati Kue 1993)

My grandfather was telling me, at the time they gave out nets and shells—it was all free. All these kinds of supplies were given to the people....At that time, they gave everybody 12 dollars each—children, women and men all got 12 dollars each. And the next year, 5 dollars was given, so right away there was proof that they lied to us. (Mary Agnes Bonnetrouge, Zhati Kue 1993)

That grandfather was also told that once he has been made a chief, him and his boys, they don't have to pay for anything, and the grandfather should try to find a barge landing or a boat landing of some sort across from Liidli Kue and to build a house there. So with the boys' and other peoples' help, he found a landing and built a house across from Fort Simpson island, and then he was told a barge or a boat will come along and drop off supplies for him and his boys, and they can help them unload the boat, and things like that. After he was told that the boat would come and unload supplies for him, fall time came and no boats came. (Felix Tale, Pehdzeh Ki 1993)

The government told the chief and Dene people that the 5 dollars was their way of saying Thanks—thanks for letting them step foot on Dene land. That was what the 5 dollars was for. (George Boots, Pehdzeh Ki 1993)

The party told the people that if you run out of tea or tobacco, if you need anything like that, shells, even though they're packing it to the Northwest Territories, they'll bring it over to them. That's what they told them....They promised people lots of things they're going to do, like to be good to the people about everything, and they didn't keep their promises. They just—it's all gone now. (Ann Buggins, Hatlohdehechee 1994)

Oh, they get nets and shells and stuff like that for fishing and hunting. Nobody ever sees them, eh. Which ... we haven't seen much of that!
(Jim Thomas, Ts'ueh Nda 1994)

8) Symbolic nature of the Treaty

Particularly in Zhati Kue, Dene elders describe the Treaty as "like a handshake", where they negotiated mutual recognition and respect. The basis of the agreement was a relationship of peace and friendship. Further, Treaty 11 was sanctified by the presence and approval of a man of God—Bishop Breynat—and solemnized in the Dene manner of feasting and drum dancing. It was also an occasion which came to symbolize great changes for the Dene in the future, for which they endeavoured to negotiate protection. The sense of betrayal that elders express over unfulfilled Treaty promises is further evidence of the importance they attach to the symbolic, as well as the practical, elements of the Treaty.

Elders Statements:

They said, "as long as the land is here, we will not bother you again." That's when they said "as long as the river flows and the sun rises, we will live here." When the Treaty was signed, it was a symbol that we're going to be recognized as people, and we do what we want on the land.
(Ted Landry, Zhati Kue 1993)

At the first Treaty, they said nobody's going to talk to you about the land. They said the Treaty was a symbol thanking the Creator that this land exists with the people. It was sort of for being thankful that we exist with the land.
(Elise Gargan, Zhati Kue 1993)

I heard of the first Treaty, I learned through Victor [Lafferty, translator]. I remember him saying that things might change, so he said "Learn to pray, and just pray", he said. "Pray that the good Lord will help you, because the medicine man said that changes are going to happen among our people." That change was alcohol. (Joseph Landry, Zhati Kue 1993)

9) Maintenance and Implementation of the Treaty

Finally, 35 elders forcefully expressed their desire to keep the Treaty, as it was negotiated. They see the Treaty as providing security and a relationship that may be lacking in implementation by the government but is still a strong basis for

Dene in Canada. They express concern over what would happen to subsequent generations without the Treaty, often referring to medical care as one area where they have experienced tangible benefits. They consider it very important to get the message out that the Treaty should be kept forever, unchanged from how it was negotiated by their elders. Many elders expressed a very strong commitment to keeping the Treaty. In fact, in a number of cases they wished to have this opinion alone recorded.

Elders' Statements:

I remember my elders saying, "we cannot let the Treaty go."
(Margaret and Jimmy Sabourin, Zhati Kue 1993)

It's been a long time since the first Treaty. When they had the first Treaty, it was said that you're going to receive this money every year, as long as this land exists. We can't say that 5 dollars is worth nothing, because it symbolizes the Treaty, and we have to hang onto it. We have to think of our children about the Treaty. If people are still well and alive, they should respect the Treaty.
(Mary Agnes Bonnetrouge, Zhati Kue 1993)

I would like to say that we do not give up the Treaty. If the Treaty is ours, we would like to keep it. If we let the Treaty go, people are going to be poorer, because right now there is no work. If we let the Treaty go, I don't know what would happen to the people. (Harry Fantasque, Ahcho Kue 1993)

I gave all my words to my son-in-law, Edward, so what he says is true. I just want to say, with Treaty 11, I don't want it to stop. I just want it to keep on going. (Frank Tetcho, Sambaa K'e 1993)

I think that the Dene people should hang onto the Treaty, because if they get sick and they come into town, they can't afford to pay for their own medical bills. So it's good that they have Treaty to take care of the Dene people's medical bills. ...The people talk about it today and they say that the Treaty is good for the Dene people, and that the Dene people shouldn't give up their Treaty rights. The Treaty is a good thing and it's the only thing that the Dene people have. (Baptiste Betsedea, Pehdzeh Ki 1993)

A person's got to be out of their mind to say they want to leave Treaty. And if they left their Treaty money... We don't pay for hospital bill and medicine. If we leave that, we're going to be really poor. Through that, we get help from the government. (Victor Buggins, Hatlohdehechee 1994)

10) Violation of Treaty

Related to many of the above topics is that of violation of the terms of the treaties. By describing the way the treaty has been violated, elders indirectly give

their perception of how the treaty relationship should be. The violation of the treaties was a common topic: 39 elders spoke about various promises that were not kept and changes were imposed contrary to what was negotiated.

Elders' Statements:

I wonder sometimes, why did we sign that Treaty if they're not going to keep their word? (Ted Landry, Zhati Kue 1993)

The grandfather used to say that they didn't follow the Treaty. Even today, they talk about land claims. (Mary Agnes Bonnetrouge, Zhati Kue 1993)

After the Treaty payment was handed out, 1 or 2 years down the road, the government started shutting things down—they started to shut down the moose and the beaver and the marten hunting. They lied about what they previously said that we could continue to hunt, fish and trap, and to me they lied and people shouldn't lie like this. (Boniface Nayally, Pehdzeh Ki 1993)

Until recently, I haven't seen any fishnets or bullets that used to be distributed along with the Treaty payments. ... The Treaty party originally told us that we could continue to hunt, fish and trap on our lands. I don't think this was the truth: it's a lie because we're not allowed to do that anymore.
(Wilson Pellissey, Pehdzeh Ki 1993)

Native, they never write down anything when they make a deal with somebody. What you say, you're supposed to do *exactly* what you say. To lie to another human being is the worst crime.... So they believed in that, and they figured the white people are doing the same thing. ... Later on, they started changing. Every year, once in a while, they come around and said 'This is the way it's going to be.' Slowly they work their way into it and on it and said 'We're your boss.' That's what happened, and then my dad died. He talked about that a lot. ... That's the way it was. They believed in the people. They said Bishop Breynat is working for the Creator, and the people said they come from the Queen, and they can't lie. The policeman was there and he's supposed to keep the law. In Slavey we call the police 'Ethiti'—a man with a true word—a person with a true word.
(Leo Norwegian, Liidli Kue 1993, interview conducted in English)

This land, our land we live on, nothing has changed since then. Things are still the same. Things should not have happened. The way they were then should have stayed the same. (Julian Antoine, Liidli Kue 1994)

They said, they promised the people that they're not going to stop people shooting ducks and geese, everything, and they didn't keep their promise there. And for the beaver too, one time they closed everything for two years, and all those promises, just forgotten. (Victoria Martel, Hatlohdehechee 1994)

After the Treaty, they told people 'You're allowed only one moose.' But after they keep having meetings about it, lots of times, the Indians they won so they can hunt moose any time of the year. They don't close season for them.
(Jim Lamalice, Hatlohdehechee 1994)

They promised, I guess, but nothing ever held. They just moved right in and take control of our lives and our resources and everything else with it. So what the heck. To us, it's just like making beggars out of us in our own land, you know, which we shouldn't have to be. ... Nowadays, you've got to have a steady income, eh. One way or the other. I'm not meaning you have to be on welfare, you know, but there's resources out there. You know, I heard talk to elders quite a few years, and they said you should get compensated since 1921 from all the resources they took from our ... you know. And then we could work with that, ongoing, as long as there's Dene here on Dene land, you understand?

(Jim Thomas, Ts'ueh Nda 1994, inteview conducted in English)

11) Anomalous views

From the excerpts above, Table 1 and material quoted previously and in Appendix 4, diversity is evident in the manner Deh Cho Dene elders express their treaty history and in the extent of each elder's information. The topics summarized thus far represent the views of from 1 (on the topic of education) to 44 (regarding land) interviews. Taken together, they form a coherent picture of the treaties. However, some elders were not in complete accord with the general consensus on a number of issues, and I will present their views here. Due to the strength, clarity and general accord of other elders on the crucial topics, I am only noting anomalous views in this section. The more general issue of interpreting oral history data will be discussed in the following section.

One elder was not in favour of holding onto the treaty, perhaps due to his particular view of land ownership which was distinct from that of the majority of elders:

Just let go of it [the treaty/money]—it's not worth it. Back then the Treaty money was worth a lot, but now it's not worth it.

(Henry Deneyoua, Liidli Kue 1994)

The land was measured for my grandfather and my dad ... It's my grandfather's land. It's one square mile by one square mile—it's grandfather's land. That's why I can't let go of the land.

(Henry Deneyoua, Liidli Kue 1994)

Some elders questioned (perhaps rhetorically) the purpose of the treaty, such as in Tthek'edeli :

Do you know why they gave this money to the people? Some people say it was for land and some people said it was for peace.

(Sarah Hardisty, Tthek'edeli 1993)

> Five dollars is not w worth it. When they signed the Treaty, what was the five dollars for" Was the e money for land? I don't know.
> (Henry Ekali, Tthek'edeli 1993)

Where many elders ex xpressed dissatisfaction with the implementation of the treaty and violation of s some of its terms, a few expressed general satisfaction. In some cases, it was diffic cult to determine the exact nature of their lack of complaint (or if they were merely t uncomfortable being interviewed).

> She said her grandp pa used to tell them when they got Treaty money a few people didn't want t that, but the second year, everybody got Treaty. So far they've had no probl lems. (Marie Deneron, Sambaa K'e 1993)

3c: Analysis and Discussion

Interpreting the Interv views

Western academ nic and legal traditions privilege written sources and often find the interpretation c of oral history and other non-textual sources problematic. In interpreting the oral h history from this research project, I am relying in part on an independent examinatic ion of the question of its validity or strength. The validity of much of Dene oral l history of treaties has already been considered by the Canadian legal system in the *Paulette caveat* (Justice Morrow's decision), mentioned previously. The court considered Dene oral testimony as well as that of other witnesses and sources, in addition to written records, and concluded that Dene oral history was the valid version of Treaties 8 and 11. The testimony in that case is consistent with that reported in this research, for example, on the topic of land surrender. To revisit the *Paulette caveat* is beyond the scope of this work, but it offers support for Dene oral history from a carefully considered source, and one with stringent rules of evidence.

The second area of support for the validity of Dene oral history of their treaties derives from the consistency and coherence of the interviews themselves. In this research, the evidence supplied by Deh Cho elders is consistent on the major points. Elders did not provide precisely the same information, but there was considerable consistency in their choice of topics and mode of expression, with little contradiction. These qualities of the interview data, along with those noted

by other scholars for oral history in other oral societies, are discussed below. Taken together, the data from this study and the generalizations identified by other researchers working with oral histories suggest that certain factors may operate to create conservative and consistent histories. There is considerable evidence suggesting that, when combined with the findings of the Canadian legal system, the treaty history related orally by Deh Cho elders is more factually accurate and complete than the written treaty document.

Dene history of Treaty 11

Dene history is held primarily by elders in the form of what has been termed oral history. Traditional Dene society is an oral society. As recently as the time of the signing of Treaty 11 in 1921, Dene conducted their affairs in their own languages without the use of writing and preserved their history, including that pertaining to Treaty 11, through oral means. Dene society employed certain mechanisms to promote the consistency and accuracy of their oral history. One example has been introduced previously: the shared respect for the importance of truthfulness. As two elders succinctly stated:

> Native, they never write down anything when they make a deal with somebody. What you say, you're supposed to do *exactly* what you say. To lie to another human being is the worst crime....
> (Leo Norwegian, Liidli Kue 1993, interview conducted in English)

> They [the treaty party/government] lied about what they previously said that we could continue to hunt, fish and trap, and to me they lied and people shouldn't lie like this. (Boniface Nayally, Pehdzeh Ki 1993)

Oral History

Oral history has been the subject of considerable research for what it can add to our understanding of history from written accounts, and because of the questions that oral history testimony raises in the courts. Three aspects of oral history research are relevant to Dene and their treaty history: the basic nature of oral history that might influence its interpretation; the method of transmission of oral history; and the place of oral history as legally admissible evidence.

Studies of oral history by the disciplines of anthropology, linguistics, psychology and history have identified some central features. The context of these features is as follows:

> Indeed, language is so overwhelmingly oral that of all the many thousands of languages—possibly tens of thousands—spoken in the course of human history only around 106 have ever been committed to writing to a degree sufficient to have produced literature, and most have never been written at all. Of the some 3000 languages spoken that exist today only some 78 have a literature.
> (Edmonson 1971:323, 332 in Ong 1982:7)

A number of different directions have characterized the study of oral history. Some researchers, such as Ong (1982) who worked from written texts of oral history from Homer and the Bible, emphasized a dichotomy between literate and oral societies from a psychodynamic perspective to suggest differences between the oral and literate mind. Ong was also interested in the question of accuracy in oral history and investigated the means necessary to accurately repeat long historic passages using 'mnemonic devices' such as "heavily rhythmic, balanced patterns, in repetitions or antitheses, in alliterations and assonances, in epithetic and other formulary expressions, in standard thematic settings..., in proverbs ..., or in other mnemonic forms" (Ong 1982:34).

Other researchers working more closely with oral sources focussed on the translation of the style of the spoken narrative into written form to "cross linguistic, poetic, and cultural gulfs much larger than those faced by translators who merely move from one Indo-European written tradition to another" to effect more culturally and situationally complete translations (Tedlock 1983:31). Tedlock suggested mechanisms such as "the treatment of oral narratives as dramatic poetry"(ibid., 54) and "sensitivity to verbal art as performed 'event' rather than as fixed 'object' on the page"(ibid., 55) to bring to oral narratives a dramatist's perspective more appropriate to the genre (i.e.. 'performance'). He produced a stance toward transcription and translation of spoken narratives that referred to by a number of other anthropologists (e.g., R. and S. Scollen for Chipewyan and Koyukon; R. and N. Dauenhauer for Tlingit; B. Toelken and T. Scott for Navajo; K. Sands for Papago; and T. Knab for Nahuatl) (ibid., 56).

A popular aproach to oral history research is the nature of the speech event or communication itself, such as the differences in the ways speech is used by men and women in different speech communities, the speech conventions in different

cultural settings and by people having specific roles within a culture, such as religious orator (e.g., see Bauman and Sherzer 1989). Speech is also analyzed for how it contributes to constructing identity or manipulating ideology, cultural ideals and norms, such as Hensel's work on "subsistence discourse" among central Alaskan Yup'ik (1996), through which "personal, ethnic, and gender identities are constructed, negotiated, and publicly validated" (Hensel 1996:3).

Focus on the speech-event in oral history/oral narratives constitutes a complex of approaches which Finnegan describes as the 'ethnography of speaking' (referring to the work of Dell Hymes). This includes discourse analysis, performance theory and ethnopoetics (1992:42). She identified certain common features of these approaches, starting with the previously mentioned emphasis on the enactment of the speech event in its social setting rather than on its product. In addition, research emphasis is placed on the specificities of time and practice rather than general issues (such as functionalist or structuralist questions), on the artistry of the speaker(s), on artistic or playful uses of language, and on studying all forms of verbal communication and performance in a culture. The practitioners of these approaches have in common an interaction with the fields of literature and popular culture (Finnegan 1992:43).

The study of life stories is part of the speech-event centred approach in that the relationship between speaker, audience, researcher and culture are acknowledged attributes in the creation, negotiation and exchange of life stories (Linde 1993:3). Life stories are oral descriptions of the self in social/cultural context and embody views on broad social constructions such as group membership, norms, belief systems and morality (ibid.). Departing from the interests of investigators of classical oral societies in the accurate transmission of information through mnemonic devices (such as Ong), those working with life stories emphasize coherence:

> Coherence is a property of [oral] texts; it derives from the relations that the part of a text bear to one another and to the whole text, as well as from the relation that the text bears to other texts of its type. For example, a text may be described as coherent if two sets of relations hold. One is that its parts—whether on the word level, the phrase level, the sentence level, or the level of larger discourse units—can be seen as being in proper relation to one another and to the text as a whole. The other is that the text as a whole must be seen as being a recognizable and well-formed text of its type. ... Coherence must also be understood as a cooperative achievement of the speaker and the addressee; it is not an absolute property of a disembodied, unsituated text. (Linde 1993:12)

The evaluation of coherence sidesteps the issue of truth, which Linde notes is an issue that applies equally to written documents, and is a question that relates directly to the present research and the privileging of the written treaty texts over the Dene oral history of the treaties. Linde placed this legal and governmental approach in a historical context, suggesting that according more validity to written material is the result of legal and political decisions and not due to the greater truth value of written documents:

> Clancy (1979) shows that written records are not inherently preferable to unwritten ones, and he argues that our current preference in Anglo-American law (as opposed, for example, to Islamic law), is rooted in a complex political process arising from differences in the Norman and Anglo-Saxon legal systems. Clancy describes the process, which took place over more than an century, by which the new Norman government succeeded in replacing personal testimony with documents as the preferred form of evidence for land ownership in England. (Linde 1993:16)

In northern Canada, Julie Cruikshank has long worked with life story narratives from Tlingit and Athapaskan women (see Cruikshank 1990, 1998). Her work has moved to an emphasis on the life history from a concern with the relationship between oral history and documentable events. She looked for "strengths and limitations of Yukon Athapaskan oral tradition as evidence for past events," and found that the tradition is characterized by, among other things, persistence (Cruikshank 1981:71-73). Cruikshank came to different conclusions from her work with life histories:

> Initially, I expected that by recording life histories we would be documenting oral history, compiling accounts that would be stored, like archival documents, for later analysis. ... Gradually, I came to see oral tradition not as "evidence" about the past but as a window on ways the past is culturally constituted and discussed. (Cruikshank 1990:14)

In fact, Cruikshank cautioned that there are real dangers in trying to equate oral history with historical fact and suggested an alternative approach:

> ...[W]ell intentioned but uncritical use of oral traditions developed in one cultural context as though they can be equated with tangible historical evidence may lead to misinterpretation of more complex messages in narrative. Attempts to sift oral accounts for "facts" may actually minimize the value of spoken testimonies by asserting positivistic standards for assessing "truth value" or "distortions." ... To interpret any account, written or oral, a student of the past must evaluate the context in which the document was recorded. Researchers working with archival documents share a general framework for interpreting the circumstances influencing the production of government records, log books, diaries, personal papers, and newspapers. But these same criteria may be quite

> inappropriate when applied to cultural documents from an unfamiliar tradition.... An alternative approach treats oral tradition not as evidence but as a window on the ways the past is culturally constituted and discussed in different contexts. (Cruikshank 1990:346-347)

Cruikshank observed that one of the elders with whom she worked, a Tagish/Tlingit woman, had as "one of her objectives ... to ... [demonstrate] unambiguous ethnographic authority, a point she emphasized by regularly naming the person from whom she first heard each narrative" (ibid., 25), a convention Dene elders utilized in the current treaty history research. As for establishing authority, oral narratives have the advantage of being linked to lived experience (as distinct from depersonalized, generalized ethnographies, for example):

> Narratives arguably connect analytical constructs with the material conditions of people's daily lives, leading in directions quite different from postmodern relativism. ...I have spoken of narrative as fluid, transformative, and intersubjective, and as situated in process and performance. But I nevertheless hear and understand these stories as being grounded in everyday life, and as having political consequences. (Cruikshank 1998:162)

Along with such things as an interest in how discourse is the "concrete expression of the language-culture relationship" which transmits, creates, recreates and focuses both (citing Sherzer 1987), Finnegan notes that the relation of discourse to the wider cultural and political context and ideologies has at times been a specialized area of discourse analysis (Finnegan 1992:44). It is this kind of relationship between Dene oral history and the political, ideological, cultural and academic world of colonial Canada that is particularly relevant to this thesis. Okihiro describes the creation of ethnic histories taking into account relationships including social classes:

> The [oral history] document ... is not simply a transcript or tape; nor is it an autobiography, biography, or memory; rather, it is a conversational narrative—conversational because it is a dialogue between interviewer and interviewee and narrative because it is a form of exposition. There are three sets of relationships in this conversational narrative: (1) internal to the interview, consisting of its linguistic and literary structure; (2) external to the text, the relationship created by interaction of interviewer and interviewee; and (3) external to the text, the relationship between the interviewee and the wider community which is both his/her audience and molder of his/her historical consciousness. (Okihiro 1996:207)

In contrast to Cruikshank's commentary on the difficulty of linking life stories with history, Okihiro's described oral history as "an alternative way of

conceptualizing history and a means by which to recover that past," providing information unavailable in the "colonized" history written by colonial outsiders which generally omits the ethnic history of colonized peoples (ibid., 211).

Okihiro's and Cruikshank's commentary on colonization and sources of history have obvious application to Dene treaty history seen as a suppressed ethnic/colonial history. Fairclough took the issue of the importance of overt attention to colonial and other power relationships in the study of language further, suggesting the adoption of what he termed "critical language study" to "[analyse] social interactions in a way which focuses upon their linguistic elements, and which sets out to show up their generally hidden determinants in the system of social relationships, as well as hidden effects they may have upon that system" (Fairclough 1989:5). He proposed an overtly critical approach in order to counteract what he perceived as the shortcomings of other approaches, some of which are the following: the overemphasis in linguistics of language over speaking, rendering an idealized view of language isolated from its social and historical context (ibid., 7); the positivistic approach in sociolinguistics, suggesting its detailed observations on correlations between linguistic forms and social variables fail to be applied to explanatory questions about social relationships of power (ibid., 8); and the shortcomings of conversation analysis and discourse analysis, which, although they have the advantage of working with real conversation and link it to social structures, "[have] been resistant to making connections between such 'micro' structures of conversation and the 'macro' structures of social institutions and societies" (ibid., 12).

Emerging from the present research, one additional dimension of oral history is germane: the means of transmission. It goes without saying that for oral history to be truly *history*, it must be more than the reminiscences of a single lifetime. Yet most accounts of the interpretation of oral history do not specify the mechanisms and rules concerning how and to whom stories are passed (Cruikshank 1990:2-3). However, the means of transmission is extremely important to the understanding of stories from people who were not yet born or not present at an event, such as descendants of those who signed treaties. The actual methods of transmission of oral history customarily cited vary from stories passed within families, as from parent to child or grandchild, to a kind of grand assembly scenario, such as clan or longhouse meetings. However from the available

accounts, it appears that a significant aspect of oral history is the ownership of stories, whether by individuals or groups (such as clans), and the formal transmission of these stories to qualified recipients. Additionally, certain stories are restricted: either kept secret throughout an individual's life and only revealed, or 'released' when death is near (e.g., Ridington 1988:72), or shared within a group but customarily not with outsiders. Although the subject of restricted information may centre on spiritual beliefs rather than 'history,' the question arises over how information is transmitted, and thus curated, in an oral society.

One finding of the 1993 research is the frequency with which elders credited the source of stories: in 61 of 66 interviews sources of information were given. In a manner analogous to citing references in academic writing, and apparently for similar purposes, Dene are careful to name their authorities. Their attention to sources of stories provides insight into the mechanisms of transmission of oral history, as well as an indication of its importance. Another view into this mechanism is the case of wholesale transference of stories from one person to another. In one instance from this research, stories were transferred to a man who was a family member by marriage (Edward Jumbo of Sambaa K'e) chosen specifically to carry this history. Other elders were credited with being given stories from significant people who had witnessed or participated in the treaties, whereas some elders who declined to be interviewed claimed to "have no stories" and, in one case, to have only the equivalent of gossip (Liidli Kue 1994). The point that can be distilled is that oral history is likely not randomly transmitted, but 'owners' transfer their responsibility for keeping certain or all of their stories to other individuals that are qualified to receive them. Also, although numerous people may have knowledge of a story, often one story is recognized as coming from a better authority than others, because, for example, it comes from someone directly involved in an event rather than from an observer.

The method of transmission impinges on the curation of oral history information. Judging by responses during this research (such as to the research team), people are not considered uniformly qualified to receive stories, nor are all sources considered equal, and thus there is a kind of control on quality and accuracy that could have an important influence on conservation rather than innovation in the long term. Also, not all stories are widely shared and certain

details or entire categories of information may be restricted, factors that must be taken into account when constructing a 'complete' history of an event or person.

Certain avenues of oral history interpretation are particularly appropriate to the current research. The interviews were recorded and then translated and transcribed, and the analysis was drawn from the transcriptions. Thus, detailed linguistic analysis was deemed inappropriate to the data and the objectives of the research. As well, the material did not lend itself to poetic or other renderings intended to capture additional qualities such as performance. The main objective of both the researcher and the participants was to record the oral history of an event and an agreement, leading to an emphasis on analyses drawn from oral history research and critical approaches that are able to elucidate colonial relations, power relations and specifics of culture contact between Aboriginal and Euro-Canadian societies. Utilizing these approaches, the interviews can be seen as a highly coherent description of Dene treaty history comprising much shared information, repetition of common expressions and symbolism, with considerable detail in some of the descriptions of people, events, and settings, as well as widely-held views regarding the centrality and importance of the treaties in particular and their transgression encapsulating a world gone awry. The research was conducted in the political climate of the region's well-known goals of self-government at that time, and this could be considered a variable affecting the interviews. However, it is important to understand that Dene have expressed consistent views of their treaties in the past, during treaty boycotts in the 1920s, affidavits and other statements collected in the 1930s, and the *Paulette caveat* and Mackenzie Valley Pipeline Inquiry in the 1970s. The possibility that the contemporary political climate affected Dene treaty history seems unlikely and misplaced: a stronger argument could be made for the reverse, that Dene treaty history exerts a strong influence on the current political climate and aspirations of Deh Cho Dene.

The qualities of oral history, and of its transmission, are undoubtedly important to assembling an understanding of a particular historical event, such as the negotiation of a lasting relationship with another nation. In this case, the Euro-Canadian perception of oral history also becomes relevant, particularly the legal perspective, as noted previously. The difficulty experienced by outsiders in interpreting the significance of oral history is shared by the courts, with the added

stipulation that courts consider evidence from first-hand sources and written sources to be the strongest. Courts have varied in their approach to Aboriginal oral history testimony and the 'hearsay' rule, admitting various different kinds of testimony. For example, Justice Morrow found the testimony of Dene elders "repetitive" and consistent, to the extent that he was confident in waiving the hearsay rule:

> Similarly, in my treatment of the sometimes repetitious statements of the many Indian witnesses as to what their ancestors did, I have considered them as coming within the exception to the hearsay rule relating to declarations of deceased persons about matters of public and general rights...
> (Canada 1973:126)

In the *Delgamuukw* case, a great deal and variety of oral history testimony, including songs and ceremonies, was admitted but received less weight in the BC Supreme Court Chief Justice's reasoning than other submissions, such as written accounts of traders and 19th–century philosophers, as well as adherence to 20th–century ethnocentrism. The 1997 Supreme Court of Canada decision was highly critical of this use of oral history, and its recommendations open the way for considerably greater credence for oral history information in the courts:

> The factual findings made at trial could not stand because the trial judge's treatment of the various kinds of oral histories did not satisfy the principles laid down in *R.v.Van der Peet*. The oral histories were used in an attempt to establish occupation and use of the disputed territory which is an essential requirement for aboriginal title. The trial judge refused to admit or gave no independent weight to these oral histories and then concluded that the appellants had not demonstrated the requisite degree of occupation for "ownership." Had the oral histories been correctly assessed, the conclusions on these issues of fact might have been very different. (*Delgamuukw* 1997:4-5)

How do the qualities of Dene oral history affect the interpretation of their history of Treaty 11? First, Dene oral history of their treaties comprise a highly coherent body of information from people in diverse settings and translated by eleven different translators. As Dene treaty history is well supported by historic documents and a court decision, the issue of validity is not paramount in this research. Second, what is known of the methods of transmission of Dene oral history indicates that serious consideration accompanies the transmission of information, particularly certain categories, and crediting the source of stories is an important responsibility of recipients. These features of transmission of oral history make it a highly transparent system open to correlation with other

accounts and 'public' scrutiny by knowledgable Deh Cho Dene. Significantly, the recent decision of the Supreme Court of Canada in *Delgamuukw* offers belated support for Justice Morrow's decision almost 25 years earlier accepting the Dene history of Treaty 11.

Interpretation of the Dene treaty relationship accorded to Deh Cho elders

Treaties and Dene history

Dene oral history records the negotiations that occurred in each community, as well as discussion about the Treaty among Dene themselves. Furthermore, their oral history contains the context and understanding about, for example, their political and economic life at that time and their concerns for the future. It was in this context that the agreement was negotiated, and, Dene elders insist, that it must be interpreted.

In this chapter, considerable oral history has been presented, as well as a description of the context of research in the communities over the course of the project and some factors pertinent to interpreting Deh Cho Dene treaty history. As well, some of the history of negotiating the treaties in each community has been represented. Below is a brief summary of the nature of the treaty agreements—Dene represented Treaties 11 and 8 as the same in their main points in this study, as did Fumoleau and Morrow.

Treaties 8 and 11 are:

- negotiated (not imposed);
- of an eternal nature/establishing an enduring relationship;
- emphatically not land surrenders;
- peace and friendship agreements;
- offers of assistance for Dene in time of need, including free medicine;
- annual money and supplies to cement the agreement;
- guarantees that Dene could pursue their economic activities unhindered.

The treaties did <u>not</u>:

- constitute agreement that anyone could interfere in Dene self-determination;
- permit anyone to interfere with or regulate Dene economic activities;
- permit anyone to take over, use, make decisions about or damage Dene land without Dene approval.

Dene assert that the Treaties were negotiated agreements in which there was a meeting of minds. The agreements did not extinguish Dene rights and title; rather these rights and title were recognized and protected through the Treaties. The Treaties set up a perpetual relationship between Dene and the Crown which acknowledged Dene sovereignty and underlying title, while allowing the Euro-Canadian newcomers access to Dene land for certain purposes with Dene permission, and maintaining each party's responsibility to police and govern their own people. The purpose of the Treaties is to set up a relationship of peace and friendship between Dene and those represented by the Crown. Certain obligations were to be met forever by the Crown in return for specific uses of Dene land.

The Crown's interest in Treaties 8 and 11 has emphasized access to Dene lands and resources through extinguishment of Dene aboriginal title. Dene oral history and accounts of non-Dene observers present another view of the Treaties, as well as broadening the picture of the relationship created by the Treaties beyond considerations of land and resources to include Dene sovereignty and self-government. Dene entered into these agreements after being approached by the King's representative desiring access to Dene lands. The treaties provided the conditions of this access, the relationship Dene would have with the newcomers, and the guarantees of protection against harm from this relationship. Dene were to retain control of themselves, their land, economy and political life; in return, they promised to live in peace with non-Dene. The treaty itself symbolized the on-going nature of the relationship, to be reinforced annually. In return for living together in peace, Dene would receive gifts of medical and relief aid for the sick, elderly, and destitute, and emergency assistance. The Crown also provided an annual annuity, although Dene note the amount was reduced following the treaty signing. They stress the annuity did not imply a sale of any kind, but was part of the reciprocal nature of the treaty relationship.

Deh Cho Dene have advanced a number of proposals for regional self-government, in opposition to being subsumed under the jurisdiction of a new Northwest Territories-type government following the division of the NWT and creation of the territory of Nunavut in 1999. They assert that not only is a separate Deh Cho government a treaty right, but also the treaties spelled out the nature of the jurisdictions of each party. Thus, they point out, what they are proposing is not new but a renewed call to implement the treaty relationship that has existed for almost a century.

Dene Treaties and anthropology

What does Dene treaty history add to the anthropology of Dene? By definition, treaties are about relationships between distinct groups of people (nations), and the information from Deh Cho elders about their treaties describes certain attributes of Dene society linked to relationship with other peoples. First, elders presented a strong sense of collective self in a great number of ways, such as the oft-heard expression "other people will be coming among us", and the elders' sense of the proper Dene way of living in relationship with others whereby Dene autonomy over their economy, land and people was not compromised. This collective perspective adds a dimension to the concept of Dene as primarily isolated small groupings of people (prior to their relative centralization in communities), and without a sense of collective identity beyond membership in a local group. They also expressed their view of history, including thier way of life at the time of the treaties, the change that has come about for that way of life, and the degree of change that has not been voluntary or desired, such as through violation of the treaties. Dene conceptions of their history counter the tendency in early ethnographies to utilize the technique of 'ethnographic present' (employed explicitly by Honigmann) to construct a fictitious time when Dene society was unaffected by outside influences: in a sense, pure, timeless, ahistoric. Dene treaty history situates them directly in specific relationships with others, Euro-Canadian traders, trappers, missionaries, medical personnel, various industries, and agents of the government, as well as expressing their concern for their people in the future. Further, treaty history points out the importance of political relations in Dene society, calling into question the anthropological insistence on the primacy of economy and environment in determining all aspects of Dene life. It is political relations that Dene elders emphasize when discussing

their treaties: economic non-interference, control over their lands and resources, and living in peace 'like a relation' with no outsiders 'bossing' them. Elders spoke of the importance of economy, but it was interference, loss of control, and impoverishment due to outside influences—contrary to their treaties—that they emphasized, not 'the struggle to survive in a harsh environment', the prevalent anthropological theme.

The following chapter will examine some of the theories in anthropology that have been applied to the study of Dene culture, the debates engaged in by anthropologists working with Dene, and some alternatives.

Chapter 4. Anthropological theory about Dene

4a. Theory and anthropological research with Dene: Three theories and Five conferences

4b. Other directions in theory of Dene: Another theory and a methodological note

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In the previous chapters I examined the work of anthropologists with Slavey Dene as well as current elders' oral history of Treaties 11 and 8. From their accounts and the actions of their predecessors, their Treaty history is extremely important for what could be termed their centrality in Dene colonial history and the subsequent events and relationship. There is serious discordance between the anthropological view of Dene society and that which emerges from their treaty history. Where anthropologists painted Dene as preoccupied with making a living in a difficult environment, leaving little room for other pursuits (such as the development of a 'tribal' level of political consciousness), Dene treaty history represents Dene as a people seeking to secure a relationship with non-Dene others based on mutual autonomy/non-interference, and trust ('like a relation') and respect. Dene viewpoints on their treaties better explain the objectives Dene have chosen to pursue publicly since the 1960s than do the classic ethnographic descriptions of small, isolated, survival-oriented individualistic groups. As well, by overlooking significant elements such as Dene treaties, anthropologists miss or misconstrue important aspects of Dene society, a misinterpretation that is ultimately problematic for the discipline.

Given the importance of colonial relations and the Treaties to understanding the current situation of Dene, issues such as aboriginal self-government, comprehensive claims, control of lands and resources, and the development of public government in the Northwest Territories in light of its division in 1999 (to name but a few), the question arises of how anthropologists might be better prepared to recognize key factors affecting the peoples with whom they work.

In this chapter I will look at the theoretical perspectives and debates engaged in by anthropologists of Dene to examine the influence anthropologists brought

to the study of Dene culture, and how they in turn characterized Dene culture within anthropology. Then I will investigate alternative directions—e.g., methodological, theoretical— anthropology might employ to better understand societies such as the Dene.

4a. Theory and anthropological research with Dene: Three theories and Five conferences

The study of Dene society has been dominated by certain theoretical trends, particularly ones related to the predominance of economy, environment and change. Cultural ecology and acculturation theory are two related bodies of theory applied to hunting peoples, including the Dene. Dene were also included in the field of hunter-gatherer studies, an area which focused on economy by definition. Due to the non-hierarchical nature of hunting societies, there was considerable interest in their social organization—i.e., band organization—and, as an adjunct, certain aspects of their political organization, specifically leadership (including psychological dimensions) and decision making. There is considerable overlap in these categories, all being centrally concerned with hunting as an environmental adaptation affecting all other aspects of the society, as well as having implications for cultural evolution. As well, certain theoretical areas were crosscut by broader debates, as between perspectives emphasizing the centrality of forces of production (technology, environment) versus relations of production (ownership, social organization, labour, distribution and exchange, etc.), to phrase it in Marxist terminology. For the purposes of this study, I will somewhat arbitrarily group the relevant theory into three areas: acculturation, cultural ecology and hunter-gatherer studies. I will then look at aspects of Dene society that were missed by utilizing these approaches and consider some alternatives.

The source material for the theoretical debates within anthropology that apply to Dene studies is reasonably plentiful. As well as a number of important monographs and articles, during the period immediately after the initial ethnographies were produced a series of conferences brought together researchers working with hunting peoples to discuss theoretical issues and compare findings. In 1965, David Damas of the National Museum of Canada in Ottawa organized a conference on "Band Organization"; in 1966, Richard Lee

and Irven DeVore organized the legendary "Man the Hunter" conference at the University of Chicago; in 1967, David Damas and the National Museum of Canada once again hosted a conference with the theme "Cultural Ecology". In 1971, this institution continued its conference series with the "Northern Athapaskan Conference", organized by A. McFadyen Clark. At this conference, participants also worked on early development of the Subarctic volume of the Smithsonian Institution's *Handbook of North American Indians*. This volume, edited by June Helm, was published in 1981. In 1978, at the Maison des Sciences de l'Homme in Paris, Maurice Godelier initiated a conference on "Hunters and Gatherers" that produced *Politics and History in Band Societies* (Leacock and Lee 1982). At each of these conferences, researchers working with Slavey and other Dene were contributors: June Helm participated in the first four conferences and Michael Asch presented a paper at the Godelier conference. Each conference published conference papers and discussion, and these documents provide a sense of the key theoretical and practical concerns influencing researchers at that time and together are an indication of the degree of anthropological interest (Clark 1975, Damas 1969a and 1969b, Helm 1981, Leacock and Lee 1982, Lee and Devore 1968).

Acculturation theory, cultural ecology and hunter-gatherer studies all present related perspectives on cultures, focussing on economy and environment. Acculturation theory deals specifically with culture contact, hypothesizing the result of contact between cultures having differential levels of 'technological advancement.'

Theory 1: Acculturation

Acculturation was a central concept applied to early ethnographies of Dene, exemplified by the work of Honigmann described in Chapter 2, as well as the influential approach of Julian Steward, discussed below.

Acculturation was a concept derived from theories of cultural diffusion developed in Germany at the turn of the century, and it dealt with cultural changes resulting from contact between peoples (studied as 'culture change' by the British).

> ...it was not until the 1930s that acculturation became the central organizing concept of anthropology that was beginning to question the never-never land of isolated primitive peoples and the analytical unit of the tribe.
>
> Anthropologists of all nationalities converged in their adoption of the term. Richard Thurnwald, a German, defined acculturation as "a process of adaptation to new conditions of life" (1932:557) and clearly recognized that domination was an important aspect. So, too, did Linton, for whom acculturation referred to "those phenomena which result when groups of individuals having different cultures come into continuous first-hand contact, with subsequent changes in the original culture patterns of either or both groups" (1940:501). Other anthropologists viewed acculturation as a unidirectional process imposed on a political minority (Mead 1932; Lesser 1933; Parsons 1936), challenging those who laundered the global experience to make it one which donor-recipient cultures were in reciprocal exchange. ...
>
> (Vincent 1990:198)

Acculturation theory's roots are quite different from the body of theory popular in anthropology in the Canadian north and elsewhere in the 1950s-1960s:

> In its political dimension this idea addressed the *clash* of cultures and was in a direct line from George Pitt-Rivers' work of that name (1926) and the anxiety of Edwardian diffusionists over the plight of subject peoples. Few of the anthropologists who worked within the paradigm, and certainly not its most prominent figures—Redfield, Linton, and Herskovits—claimed this genealogy. ... Yet acculturation theory contained, albeit implicitly, the attack on racial domination, imperialism, and monopoly capitalism that has been a subterranean trend within the discipline on both sides of the Atlantic from the beginning. This, too, was a casualty of the discontinuities created by World War II, lost to the collective memory of textbook writers until its rediscovery in the 1980s.
>
> (Vincent 1990:222)

In the 1950s and 1960s, acculturation was used to assert that indigenous peoples who "came into contact" with colonizing European nation-states altered their economic patterns and thus their social organization, and would inevitably become totally assimilated into the nations which surrounded them. Murphy and Steward's influential monograph comparing Amazonian Mundurucú rubber tappers to Canadian Montagnais trappers states the acculturation viewpoint succinctly:

> When the people of an unstratified native society barter wild products found in extensive distribution and obtained through individual effort, the structure of the native culture will be destroyed, and the final culmination will be a culture type characterized by individual families having delimited rights to marketable resources and linked to the larger nation through trading centers. ... There is a final phase [of acculturation], which, though occurring at different dates in the different localities, is characterized by assimilation of the Indians as a local sub-

culture of the national sociocultural system and virtual loss of identity as Indians. (Murphy and Steward 1968:405, 408)

The concentration on economy and adaptation in studies of Dene society was suited to the development of broad theories of social organization. It was also a convenient position from which to develop acculturation theories, as economic and technological changes were readily observable. Cruikshank outlines the dominant trends in these areas in studies in the Canadian north:

> By the 1960s a general post-war interest in acculturation models reached the subarctic. Murphy and Steward's influential paper (1956) on tappers and trappers used an acculturation model to predict inevitable assimilation of band societies into national industrial economies. So entrenched was this model by the 1960s that a whole series of Arctic and subarctic studies, many of them sponsored by the Canadian government, took acculturation as their main theme (Balikci 1963; Chance 1963; VanStone 1965; Honigmann 1966; Hoseley 1966)[26]. (Cruikshank 1993:135)

Acculturation studies of the 1960s and 1970s were aligned with neoevolutionary social theories developed in the 1950s and have come under criticism for their colonial assimilationist positions:

> The evolutionary paradigm tries to explain, not only the dissimilar historical conditions under which peoples live (evolutionary stages), but also the alleged superiority of Western European civilization. ... It is more than evident that the concepts of evolution and progress have been used to legitimate attempts to induce the so-called backward societies to bridge the gap that separates them from the Western European socio-cultural model. In this sense, classic evolutionism is indissociable from colonialism, neocolonialism and a variety of assimilationist policies. (Alfonso Martinez 1990:9)

For the Slavey, Honigmann's ethnography is a clear example of an acculturation study. In his brief field investigation, his focus was on the material, or technical, culture, where he found evidence of acculturation in the adoption of certain non-indigenous tools, such as travel by dog team, plank boat with outboard motors, hunting with guns, trapping itself and the registered trapline system, shelters in relatively recent permanent log cabins, and store-bought clothing or fabric. In the nontechnical culture, he found less evidence of acculturation, concluding:

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[26] Of these, those that studied Dene are: Balikci (Vunta Kutchin), VanStone (Chipewyan), Honigmann (Kaska Dene); Hoseley (Alaskan Dene).

> Although the Slave have not hesitated to accept the technical improvements and food resources of the white culture they have apparently been less ready to regard favorably other cultural elements of this intrusive group. ... In general, white values and white sanctions find only slight reception in Slave culture when they are unrelated to survival goals. (Honigmann 1946:147)

His findings were less stark than those of Mason for the Dene of the Great Slave Lake region in 1913, quoted in Chapter 2.

Acculturation studies with the Dene were criticized for their negative consequences. The results of these studies suppported justification for a government program of the 1950s to remove Dene from the land and centralize them in former trading centres. The program used mandatory schooling tied to transfer payments to coerce Dene to move to towns at a time when trapping incomes were at a critical post-war low and the price of the consumer goods Dene used was skyrocketing (Asch 1979b:348).

Acculturation theory was part of a more general approach to cultures from an economic and environmental perspective.

Theory 2. Cultural ecology

Following the Second World War, the theory that came to dominate North American anthropology was the result of various prewar studies which were only formalized into theory in the 1950s. "What became institutionalized in America was the ecological, historical materialism of Steward, Strong and Lesser" (Vincent 1990:222).

Julian Steward was the primary proponent of cultural ecology, and described it in his *Theory of Culture Change* in 1955, and in this summary piece first published in 1968:

> Cultural ecology is the study of the processes by which a society adapts to its environment. Its principal problem is to determine whether these adaptations initiate internal social transformations of evolutionary change. It analyzes these adaptations, however, in conjunction with other processes of change. Its method requires examination of the interaction of societies and social institutions with one another and with the natural environment.
>
> (Steward 1977:44)

In the years between the two world wars, while British social anthropologists' attention was directed toward the political functioning of non-state societies in Africa, Julian Steward (and others) began to approach the Shoshone, Dene, and other American and Canadian Aboriginal societies from the perspective of economy, technology, and environment. Working within the environmental paradigm initiated by Kroeber, Steward developed a new model that focussed on "levels of sociocultural integration." By selecting economy and environment as the central, "core" features of cultures, Steward designated components such as political organization, religion, language, and art peripheral "epiphenomena," and considered these neither determinative nor research priorities.

> The problem of cultural ecology must be further qualified, however, through use of a supplementary conception of culture. According to the holistic view, all aspects of culture are functionally interdependent upon one another. The degree and kind of interdependency, however, are not the same with all features. Elsewhere, I have offered the concept of *culture core*—the constellation of features which are most closely related to subsistence activities and economic arrangements. The core includes such social, political, and religious patterns as are empirically determined to be closely connected with these arrangements. Innumerable other features may have great potential variability because they are less strongly tied to the core. These latter, or secondary features, are determined to a greater extent by purely cultural-historical factors—by random innovations or by diffusion—and they give the appearance of outward distinctiveness to cultures with similar cores. Cultural ecology pays primary attention to those features which empirical analysis shows to be most closely involved in the utilization of environment in culturally prescribed ways. (Steward 1955:87-88)

Further, certain societies were deemed too disorganized to possess some of these attributes, such as the political organization of the Shoshone:

> It should be said that Steward's later research among the Great Basin Shoshoni pioneered future ethnography, for it was done as part of a larger theoretical venture founded in good part on a set of deductive premises. Steward was ... a complete believer in the comparative method, but his Shoshoni research exemplified Emile Durkheim's dictum that one case, exhaustively studied, is sufficient to establish a social law.... [T]he Great Basin Shoshoneans were the catalysts of Steward's theories. Characterized as they were by emphasis upon the material conditions of life and the struggle of man against his environment, the Shoshoni became the model of man at the threshold of survival. ... Given the simple technology at their disposal, the environment offered few alternatives to the ways in which they lived, and their very patterns of social life had to be understood as an adjustment to bleak physical reality. Steward grasped and developed this essential truth of Shoshoni society and made it into a general theory. (Murphy 1977:4,6)

As Murphy states, Steward categorized the Shoshone at only a family level of sociocultural integration, the lowest level in his model of multilinear evolution, "...typologically unique..." and "...a distinctive and nonrecurrent line of development in a scheme of multilinear evolution" (Steward 1955:120). He was also participating in the Indian Claims Commission in 1946 as an expert witness for the U.S. federal Department of Justice, where his theories were used extensively in arguing that the Shoshone lacked sufficient social and political organization to warrant land rights. His views were publicly criticized within anthropology for being "bought" and for being "altered ... at the request of the attorneys" (Steward 1970 in Ronaasen 1993:78) His theory and its application to the Shoshone were opposed successfully by Omer Stewart, working for the Shoshone, the other recognized anthropological expert on Shoshone culture, who criticized Steward's over-emphasis on certain aspects of Shoshone economy at the expense of a more balanced and historically accurate view. The Commission accepted Omer Stewart's argument and interpretation and allowed the Shoshone claim (Ronaasen 1993:73). Nevertheless, although Steward's theoretical model was seriously challenged on academic and anthropological grounds, it was to become a dominant perspective in anthropology into the 1970s–1980s.

Cultural ecology was influenced by Marxism in its choice of subsistence/economy as the determinative, core feature of culture, although Steward was "repelled by ideology and never found Marxian thought to be personally congenial" (Murphy 1977:360). The greatest difference between Steward's work and Marxism, according to Murphy, "lies in the total absence of dialectical process in Steward's view of history" (ibid.), to which was added much later a preoccupation with the forces of production over the relations of production (Asch 1982). As well as sharing a materialist viewpoint with Marxism, cultural ecology utilized neo-evolutionary models hearkening back to the adoption by Engels of Lewis Henry Morgan's social evolutionary views in *Ancient Society*, incorporating them into Marxist thought on family and pre-state social formations.[27] Particularly in the study of hunter-gatherers (discussed in more detail below) who were seen as likely representatives of 'primitive

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[27] The link between neo-evolutionary thinking, Morgan's later writing, Marxism and anthropology culminated in Eleanor Leacock's introduction to Engels' *The Origin of the Family, Private Property and the State in the light of the researches of Lewis H. Morgan*, in an edition published in 1972.

communism' (Lee 1991:252-268); Sahlins 1972), Marxism and Marxist-derived perspectives were popular:

> "In the late 1940s and the 1950s," Eleanor Leacock recalled, "a wide range of evolutionary issues were taken on as problems for doctoral research by students interested in Marxism and in the political activities of the times. However, it was still not possible to identify oneself in professional publications as taking a Marxist approach" (Leacock 1982:251-252 in Vincent 1990:228)

The utilization of Marxist concepts by the cultural ecologists was reflected in their emphasis on economy as the main determinant of other aspects of culture, which was in conflict with British social anthropology dominated at that time by Radcliffe-Brown's functionalism. "Marx's contemporary emphasis on the importance of techniques as determinants of economic relations, of political and even ethical systems seems to have evoked little response in [British] Anthropology" (Forde 1948:3).

Cultural ecology proved influential in North America among anthropologists studying hunting peoples (e.g., Helm 1961, Lee 1979, Oswalt 1973, Sahlins 1972, VanStone 1974); for such anthropologists, it resonated with the precepts of American cultural anthropology. In turn, the work of many of these anthropologists was utilized in the elaboration of principles of cultural ecology:

> During the 1950s and 1960s northern societies were considered primarily as providing evidence for or against specific hypotheses about social organization. Julian Steward, for example, based his formulations about band organization at least in part on observations by Speck (1915) and Osgood (1936), and set terms of a debate carried on by Leacock (1954), Helm (1965), Knight (1965), and others over the years. In fact, questions about band organization continue to provide the unifying theme of the recently published *Subarctic Handbook* (Helm 1981). ... (Cruikshank 1993:135)

With its emphasis on technology and environment, cultural ecology was well suited to archaeology and the study of human origins, as both are concerned with interpreting the physical remains of (presumably) economic activities.

> In the United States two completely opposed paradigms emerged. The neo-evolutionary vision of politics of Elman R. Service (1962), Morton H. Fried (1967), and Marshall Sahlins (Sahlins and Service 1960) provided a popular and simple taxonomy ... into which the entire political anthropological corpus since 1879 could be placed. ... Deriving as it did from the work of Leslie White, Julian Steward, and Karl Polanyi, it ordered ethnography in a manner that gave offense to few; certainly for teaching purposes the simple four-part division of all the world's polities into bands, tribes, chiefdoms, and states imposed order. In Fried's formulation it also raised important questions about

> political units and sovereignty. Neo-evolutionism did, however, further encourage anthropologists to dwell on timeless universals.
>
> The coming of age of culture history in the mid 1960s provided an alternative American paradigm. ... (Vincent 1990:312-313)

Utilizing the theoretical work of Steward and the ethnographic work of Helm, Elman Service placed Dene (Athabascans) at the level of 'composite band' in his 1962 publication, *Primitive Social Organization, an evolutionary perspective*. He defined composite band in general as "... one which lacks exogamic rules and explicit maritial residence customs. It is, so to speak, more of an expedient agglomeration than a structured society" (1968:60). Regarding the Dene specifically, his characterization was of a seriously traumatized society since the time of early contact with Europeans:

> The causes of the modern fluid, informal, composite band clearly lie in the initial shocks, depopulation, relocation, and other disturbances in the early contact period which produced refugee-like groups of unrelated families among the Indians even before the time of the American Revolutionary War....
>
> Athabaskans who survived the early disasters became employees (or, more accurately, debt-peons) of European fur-trading companies almost 200 years ago. The "peace of the market" has prevailed since the coming of Europeans to the subarctic, and bands as functional units have become mingled, indistinct, and unimportant. (Service 1968:88-89)

Service characterized band societies such as the Dene as lacking certain institutions or possessing them only in rudimentary form. Specifically, he believed band societies lacked sophisticated political organization, which, if his views were accurate, would suggest that band societies are incapable of conceptualizing nation-to-nation agreements such as treaties:

> From the point of view of cultural evolution this rudimentary society could be called, adopting Steward's phraseology, the Band Level of Sociocultural Integration. ... The salient feature of the type is simply that all of the functions of the culture are organized, practiced, or partaken of by no more than a few associated bands made up of related nuclear families. ... The economy, in short, is not separately institutionalized, but remains merely an aspect of kinship organization; in the usual modern sense of the word, there is no formal economy at all. The same is true of other cultural functions. There is no separate political life and no government or legal system above the modest informal authority of family heads and ephemeral leaders.
>
> (Service 1968:108-109)

Helm disagreed with Service, not on the ecological determination of social organization, but his particular conclusions. She considered it likely that recurrent famine/disasters mitigated in favour of systems of band organization and

kinship which emphasized "multiple kinship avenues" (citing Goodenough) to group affiliation, in opposition to Service's model of virilocal residence and patrilineal band organization as very early and primary forms, uninfluenced by ecology, in hunting and gathering bands (Helm 1965:381). Further, Helm posed the generalization that periodic, cyclical starvation would favour the development of bilateral systems of affiliation over unilineal ones, although she stopped short of disagreeing with Service over the virilocal residence proviso, merely adding that much would depend on environmental conditions (Helm 1965:382).

Although Helm chose to differ with some of the perspectives of the more Marxist-oriented cultural ecologists, her analysis of Dene society, as well as work by Leacock and Steward, were part of the dominant perspective in anthropology in North America from the 1950s until at least the 1980s (and arguably the present), evidenced by their participation in the conferences. The reasons for the paramountcy of this school, and its political and theoretical context remain relevant to understanding the legal and political position of Dene today. Steward's work, and cultural ecology generally, was to have widespread influence on the direction of anthropology for decades, reflected in the topics of the key conferences of the 1960s-1970s and, with reference to Dene, the *Handbook of North American Indians* Subarctic volume[28].

> Surveying the Bushmen, Pygmies, Semang, Australian aborigines, the Ona, and other groups, [Steward] found the basic social aggregation to be a patrilocal, patrilineal, exogamous, and territory-owning band. The ecological conditions for these parallelisms were low population density, foot transportation, and the hunting of scattered and nonmigratory animals, making it of strategic value for a man to remain in the territory of his birth. In the same article, he distinguished the patrilineal band from the "composite band." ... Later research has shown some of these patrilineal band societies to be bilateral in descent, with a strong tendency to patrilocality, but, in another direction, Elman Service has argued the patrilocal band as an early and general form in social evolution (Service, 1962). In either case Steward's work on hunters and gatherers during the 1930s posed a good many of the major problems for later research, as the results of the conference on "Man the Hunter" (Lee and deVore, 1968) amply demonstrated. (Murphy 1977:24)

Researchers working with Dene were engaged in these key debates of the day, which formed the guiding theoretical thrust to their investigations. For

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[28] Steward edited the *Handbook of South American Indians* (6 volumes) in 1946-1950, where he developed a taxonomy of culture types based on ecology, technology and economy (Murphy 1977:34).

example, the nature of band organization was a prominent issue and is discussed at some length below. As well, the question of whether Slavey (and Northeastern Dene generally) employed a bilateral or unilineal system of descent was important to Helm. She responded to Steward's characterization of Arctic Drainage Dene as exhibiting a "composite hunting band" type of sociocultural integration featuring bands of several hundred persons which, in her interpretation of Steward's view, he saw as an aberration of the "primitive band" based on virilocal residence[29] which creates the "patrilineal band."

> The structural principles of Steward's "composite" society are nebulous; such a society is composed of "many unrelated nuclear or biological families," integrated "on the basis of constant association and cooperation rather than of actual or alleged kinship" (Steward 1955:143). (Helm 1965:361)

Steward's composite hunting band was further interpreted by Service from an evolutionary standpoint as a residual category resulting from the breakdown of the virilocal principle by acculturation or disruption due to European contact (ibid.). Helm responded to Chang's description of the organization of "Eastern Zone" Dene as lacking structural principles, in essence "kinship free", having "no strict kinship bonds among members of the community" (Chang 1962:34 in Helm 1965:361). Drawing on data from Slavey, Dogrib and Hare communities, Helm found,

> Taken *in toto*, the data clearly reveal that the Dene socio-territorial unit, large or small, is far from being composed of "unrelated nuclear families," unless one arbitrarily insists on unilineality-unilocality as the only measure of kin-relatedness. Rather, through time, each nuclear family (as focused in the conjugal bond) is linked, through one or more of its members, once and often several times, into the total social chain of primary consanguine relationships. In fact, the "chain" takes on a meshlike form ... from the preponderance of multiple linkages. (Helm 1965:370)

Further, Helm questioned whether Dene bands tend to be exogamous (marrying outside of the band) or endogamous (marrying within the band): "There is nothing in the ethnographic record to indicate an exogamic preference in Dene society." (Helm 1965:370). For this conclusion, her evidence is more

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[29] Virilocal residence features new couples moving into the community of the husband's family. (Uxorilocal residence, on the other hand, involves the new couple residing in the wife's natal community). This pattern was hypothesized to be important for hunting peoples in order to keep the men in familiar territory and among known hunting partners to ensure successful hunting and survival. (Service 1968) Numerous ethnological accounts, including descriptions of the bilateral Slavey Dene, fail to support the primacy of virilocal residence and patrilineal bands (e.g., Asch 1988; Helm 1961, 1965).

scanty than for bilaterality, as only one of the communities from which she drew data was both sufficiently large and established for enough time to both have a generation raised in the community seeking marriage partners and, in Helm's opinion, enough available marriage partners. She attributed a tendency toward exogamy on the part of Lynx Point Dene to the lack within the community of persons of the opposite sex of the requisite age, unmarried status, and kinship distance (referring to a preponderance of parallel cousin relationships) (ibid.). Helm hypothesized that these are capricious circumstances and, drawing on one community, Marten Lake (Lac la Martre), found it likely instead that "in a group of sufficient size to allow selection, marriages are frequently endogamous" (ibid).

Debates over the nature of band organization were central to cultural ecology, as part of the "multilinear evolutionary" analysis of society: "Multilinear evolution is essentially a methodology based on the assumption that significant regularities in culture change occur, and it is concerned with the determination of cultural laws" (Steward 1955:18). This was not a universal scheme, but based on empirical observation (ibid.), producing comparisons such as that in "Tappers and Trappers", quoted previously. The central parallel drawn was in the organization of work, the basis of cultural ecology. The levels of organization that made up the multilinear evolutionary model were based on the concept of integrative levels in biology and comprised "a classification that would be based upon central economic, political, and social features..." (Murphy 1977:34). These levels were utilized in analysis of culture change and acculturation such that, to take the Shoshone as an example of a family level of sociocultural integration, "acculturation ...was not as traumatic ... as among other tribes because there were no tribal integrative mechanisms to be disrupted by American society" (ibid., 33). As quoted in Chapter 2, Helm believed that Dene also fit the 'family level of sociocultural integration', or that Steward would have placed them there had he Helm's information, presumably with similar results regarding acculturation (Helm 1965:382). Dene responses to encroachment on their lands by developers and governments, discussed in Chapters 1 and 2, serve as an effective counter to this speculation.

Thus, for Dene, the nature of their sociocultural integration was a particularly important area of research. An enduring emphasis has been the organization of Dene bands. Anthropologists have described bands (both local and regional),

task groups and kindreds in Dene society, relating these directly to economic activities. Local bands are defined as "a small group of related nuclear families" that lived together in a community or series of camps for a period of time (Helm 1981:297). Helm conflated regional bands and often small, temporary groupings on the basis of economic function, versus, for example, social function as a marriage isolate: a regional band is "sets of families coalesced or fragmented into larger or smaller units according to the exigencies of the food and fur quest. These relatively short-term groupings have been described as task groups" (ibid.). Utilizing a definition based on social rather that strictly economic function, Asch describes a nodal kindred as a grouping organized around cores of closely related individuals (Asch 1988:55). The relationship between kin structures and political organization was discussed by Lévi-Strauss (1969), and implications for Dene Slavey have been advanced by Helm (1961) and Asch (1994), and elaborated upon by Ives (1990); these are discussed later in this chapter.

With respect to band organization, at various times throughout the year, "local bands" came together, usually at fish lakes. These "regional bands" are thought to comprise the largest routine groupings of Dene prior to moving into modern settlements in the 1950s. As Asch (1988:35) points out for the people of Pehdzeh Ki, the regional band tended to serve as the marriage isolate, with people often marrying outside the local band but within the regional band. In the Deh Cho region today settlements vary in their composition. The larger communities generally consist of two or more local bands as well as resident non-Dene (Hatlohdehechee, Zhati Kue[30], Liidli Kue , Pehdzeh Ki, Fort Norman, Ahcho Kue), whereas the smaller ones correspond more closely to Helm's "bush band-community" designation, where "... at least in the Upper Mackenzie region, the clustering of habitations of several nuclear family units into tiny villages is common." These smaller communities are K'agee, Sambaa K'e, Nahanni Butte, Tthek'edeli, and, possibly, Ts'ueh Nda[31].

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[30] Fort Providence was founded as a Roman Catholic mission by Grey Nuns in 1867 and drew Dene children from diverse regions, some of whom settled permanently in Providence after many years of separation from their families.

[31] Ts'ueh Nda (West Channel) is a small fishing community on the south shore of Great Slave Lake close to Hay River. As a fishing community in close proximity to a significant non-Dene settlement, it has a unique history that includes considerable non-Dene influence. In other respects it resembles small Dene

Slavey kinship was originally described by Spier in 1925 as the "Mackenzie Drainage" type, a variation on systems referred to as bifurcate-merging (Dravidian) where kin are terminologically distinct from affines in a cross (potential marriage partners or affines) and parallel (kin, therefore not marriageable) distinction (Spier 1925). Thus, in the Dravidian system, children of my mother's brother or father's sister (cross cousins) would be my potential marriage partners, whereas children of my mother's sister or father's brother (parallel cousins) would be considered like siblings to me, not suitable marriage partners. In the Mackenzie Drainage variation, the Dravidian form holds true in the ascending (parental, grand-parental, etc.) generations and the descending generations (children, grandchildren, etc.), with some diminishment after two generations, but in ego's own generation both cross and parallel cousins from the same local group are considered terminological siblings and therefore unmarriageable. That is, the cross-parallel distinction does not manifest in ego's generation. Helm (1961) hypothesizes this is the result of acculturation, particularly through the influence of missionaries who likely opposed first-cousin marriage, but she offers little evidence to support this view. Asch (1988, 1998) suggests instead that Slavey kinship is at base Dravidian, but the Mackenzie Drainage variation supports a tendency toward certain residence principles and local band exogamy. He explains that the ideal group of orientation (local band) is composed of a group of same-sex siblings and their spouses (also terminological same-sex siblings). Thus, all the children of this ideal band would be terminological parallel cousins, equivalent to siblings in the Dravidian system, and unmarriageable. They would be required to seek marriage partners outside their local band, and there would be a tendency for them to construct a similar local band—with their terminological same-sex siblings—in adulthood.

Asch noted that this system encountered difficulties when, in the 1950s, communities were formed from a number of local bands which would not normally have co-resided (and in fact likely consisted of the major marriage isolate), thus putting opposite-sex siblings in the same community. The community would then have to decide whether to stress community cohesion and reclassify itself as one local band, transforming relationships in ego's generation to parallel cousins and making marriage within the community

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communities. For the purpose of this study, only a brief visit was conducted at West Channel so a more complete picture of the community is unavailable from this source at this time.

unacceptable, or to conceive of the community as composed of a number of groups—former local bands—and allow marriages to occur within the community. In at least one community the importance of residence and exogamy was maintained, the community was recast as a single local band, and marriage within the community was discouraged, for a time at least (Asch 1988). This system has implications for Dene political organization as well, discussed below.

From a perspective emphasizing adaptation and economy, anthropologists studying northern Dene political organization customarily focussed on three elements: leadership, decision making, and band organization. As discussed previously, they linked these to economy in a derivative fashion. Dene political organization has been characterized by its fluid and adaptable nature. The mechanisms of traditional Dene political organization proved difficult to identify by observers accustomed to hierarchical systems:

> The lack of complexity of northeastern Athapaskan institutions is nowhere more striking than in the realm of socio-political organization. Our paucity of information in this realm must therefore be attributed not only to the scant number of interested observers but to the fact that there was so little to meet the eye, especially of a formal or regularized nature. (Helm 1961:166)

The focus on the institution of leadership can be traced to the time of early traders and explorers in search of individuals having a mandate to speak for and direct his people. This emphasis on leadership was continued by representatives of the Crown who required leaders with authority to sign treaties designed to cede lands to the Dominion, so were inspired to create chiefs where they found them lacking[32]. However, this emphasis on the role of leader, finding them generally without the kind of authority familiar in hierarchical political systems, obscures the more fundamental question of the nature of Dene political organization. For example, Helm, one of the small number of anthropologists who worked in this area, drew on historical sources such as Mason, who described the Dogrib of Fort Rae in 1913:

> ...there is evidently little or no effective authority beyond the coercive sentiment of the band, which may be ignored or avoided by leaving the band or by changing allegiance. (Mason in MacNeish [Helm] 1956a:138)

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[32] Unlike areas in southern Canada, for the most part traditional Dene leaders also became their first chiefs, created when the Treaties were signed at the behest of the treaty party. Thus, although the institution of chief and council was foreign to Dene society, there were links with traditional Dene leadership and its selection.

In a search for decision making mechanisms in Dene society, Helm identified a centre of decision making in the opinions and sanctions of the whole group, identifying a 'grass roots' level of decision making:

> It is plain that the ultimate locus of power and decision in Athabascan society was in the largely unorganized sentiments and opinions, coupled with not always effective diffuse sanctions, of the social body as a whole.
> (MacNeish [Helm] 1956a:138)

In discussions of both leadership and decision making, Helm is interested in Dene mechanisms of imposing sanctions as a feature of political organization. She elaborates on the role of public opinion, drawing on Richardson's analysis of Dogrib Order (circa 1847-48), on social control and tolerance:

> Order is maintained in the tribe solely by public opinion. It is no one's duty to repress immorality or a breach of the laws of society which custom has established among them, but each opposes violence as he best may by his own arm or the assistance of his relations. A man's conduct must be bad indeed, and threaten the general peace, before he would be expelled from the society; no amount of idleness or selfishness entails such a punishment.
> (Richardson vol. 2: 26 in MacNeish [Helm] 1956a:138)

Theory 3: Hunter-gatherer studies

Deriving initially from cultural ecology—and perhaps more explicitly acknowledging its Marxist influences—hunter-gatherer studies reinforced a number of time-honored trends: emphasis on 'primitive' peoples; reference to an evolutionary framework; and development of theories of general application (e.g., the concept of 'primitive communism'). However, hunter-gatherer studies also encompassed a dimension of political analysis, allowing for examination of the relationships between 'egalitarian' hunting societies and states.

> Following conferences on hunter-gatherers in the 1960s (Damas 1969; Lee and Devore 1968), efforts to document the *variety* of possible options available for social organization replaced some of the earlier determination to define general principles that would be broadly applicable to northern hunter-gatherers.
> (Cruikshank 1993:135)

The difficulties that some social scientists encountered in their efforts to understand Dene society were reflected in discussions regarding the nature of political organization, and whether it was possible that certain societies, such as band societies, merely failed to possess it. A number of social scientists emphasized that the inability to appreciate political organization in societies that

were radically different from the hierarchical European model might be due to inadequacies in theoretical and analytical tools:

> There could be no coherent social life unless the social relationships which bind people together were at least to some degree orderly, institutionalized and predictable. ... There are many societies which lack rulers on the Western pattern, but it would be a mistake to assume that their members live in a state of anarchy; often there are no judges or courts which could be compared with those familiar in Western countries, but this does not imply a state of complete lawlessness. (Beattie 1964:139)

The theoretical focus on economy and leadership was not without its critics. The cultural-evolutionary model underlying American anthropology emphasized economy and environment and established a taxonomy of pre-state political organization that suggested a natural developmental path from band to tribe to chiefdom. Leacock criticized this view, proposing instead an emphasis on decision making, more in the manner of a political science approach:

> Conceptually, the band–tribe–chiefdom terminology allows no leeway for qualitative distinctions both in the organization and manipulation of political power in different kinds of societies and in the very nature of "politics" and "power" themselves. As a prime example of conceptual problems involved in speaking of bands and tribes, consider the term "chief."[33] It is commonly pointed out that in egalitarian societies, chiefs have influence but no formal authority, and that they are no more than "firsts among equals."...Lurking behind the assumption of a chiefly office is the concomitant assumption that it is backed by some kind of forceful sanction. The use of the term chief or some equivalent, then, causes questions about the actual nature of decision making in non-hierarchically ordered societies to by bypassed. The questions may not be asked: What kinds of decisions are important in such societies? Which of these are matters of "public" or formal concern? Who is responsible for making these decisions and how do they go about making them? In sum, in so-called bands and tribes, what are the processes subsumed under the rubric "political"? (Leacock 1983:17-18)

Leacock acknowledges that the political sphere is inseparable from the 'social' generally in band societies, but proposes that political institutions essentially be approached from the angles of decision-making and leadership. She proposes principles for analysis of the political structure in a band society analogous to that of the Dene, the Montagnais-Naskapi:

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[33] It is useful to keep in mind that 'chiefs' did not exist in Dene society until they were created by the Crown for the purpose of negotiating treaties, or by the fur trade as 'trading chiefs' in some areas such as among the Dogrib.

> It is not enough to repeat that in such societies the "political" sphere is scarcely separable from the social; it is necessary to go further. To spur discussion, I offer the proposition that the two basic sociopolitical principles that govern decision making in egalitarian societies are: first, the parties who are responsible for carrying a decision out or who are directly affected by it must have a share commensurate with their experience and wisdom; and, second, those who do not agree to a decision are not bound by it. (ibid., 20)

Leacock argues that the area of political organization can be seen more clearly by focussing on decision making rather than evolutionarily influenced categorizations. She compares the Montagnais-Naskapi with other egalitarian societies having, for example, horticultural economies (the Cherokee and the Delaware), for insights into any common institutions.

> The picture of leadership and decision making that emerges from ... studies of the Cherokee, and ... recent resumes of the Delaware (Goddard 1978:216) is similar to that of the Montagnais-Naskapi in three ways. First, leadership was based on personal influence and ability, not formal office. Second, decisions were made by those who would be carrying them out and were not binding on those who did not agree. Third, autonomy was unquestioned both for individuals and groups. Autonomous units could and did act separately, although—a point sometimes slighted—they also could and did come together and act effectively under the leadership of respected and able individuals.
> (ibid., 26)

Taken together, the definitions, criticism, and revisions point toward a more encompassing look at legitimate political institutions in non-hierarchical societies. Beattie adds a concern with the law-and-order functions of political organization:

> In determining what we shall regard as political, we shall do best to retain as definitive the notion of the end attained, while keeping an open mind as to how it is attained. For in every society some sort of internal order is secured on a tribal or territory-wide basis, external relations are provided for, and decisions in regard to these matters are taken in accordance with generally accepted rules. The political problem is how, in a society being studied, these things are brought about. (Beattie 1964:143)

The approach used in hunter-gatherer studies has been subject to considerable criticism in recent times for overlooking both the long duration of contact between hunting peoples and societies with other economic bases, and the historical factors of colonialism and their role in creating what researchers later described as the 'pristine' conditions of hunter-gatherer societies (e.g.,

regarding the !Kung, see Lee (e.g., 1979) and extensive responses from Wilmsen (e.g., 1989) and others[34]).

Five conferences

Hunter-gatherer studies has featured a number of high-profile conferences and a body of probing theoretical works. A recent volume proclaims five major international conferences on hunter-gatherers between 1988 and the influential *Man The Hunter* volume (edited by Lee and DeVore) which was published in 1968 from the Chicago conference in 1966. It was followed by the Paris conference in 1978, organized by structural Marxist Maurice Godelier and resulted in the publication of *Politics and History in Band Societies* (edited by Leacock and Lee) in 1982. Anthropologists of Dene (Helm and Asch) participated in both conferences. There were three additional international conferences on hunter-gatherers, in Quebec in 1980 (the proceedings were not published), a smaller conference in Bad Homburg in 1983 (producing *Past and present in hunter-gatherer studies* in 1984, edited by Schrire) and the conference in London in 1986 which resulted in a two–volume publication edited by Ingold, Riches and Woodburn in 1988. The latter contains one submission on northern Dene by Henry Sharp on hunting ritual (or its absence) among Chipewyan which is only tangentially related to the topic of treaties and Dene ethnography so will not be discussed here. Only the first two works from the series of international conferences on hunter-gatherers will be included as these are areas in which anthropological theory of Dene, particularly Slavey, was most directly addressed.

Along with the two international conferences, there were three Canadian conferences on topics relating to Dene as band societies and hunting peoples. From 1965 to 1971, the National Museum of Canada in Ottawa organized a series

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[34] "The Kalahari debate is about Bushmen and the outside world (Barnard 1992:298). On the one side are Richard Lee and others who present the !Kung of the 1950s and '60s as independent, affluent foragers (see, e.g., Lee 1979, Lee and DeVore 1968, Marshall 1976). On the other side, Edwin Wilmsen and others challenge this view by depicting Bushmen as a dispossessed and marginalised proletariat cut adrift from the surrounding economies in which they once played a more significant role (see, e.g., Wilmsen 1989, Wilmsen and Denbow 1990). Although anthropological and political in character, the debate's fuel is historical and archaeological evidence. ... Exasperated by Wilmsen's tactics, Lee and Guenther (1995:304) have called for independent reviews of the evidence. Accordingly, the archaeological aspect of the debate is reexamined here, and it will be shown that Wilmsen and Denbow's reconstruction of Bushman-Bantu relations is based on insufficient evidence. Echoing Lee and Guenther's comment (1951:592), it is concluded that much basic archaeological work remains to be done" (Sadr 1997:104-105).

of conferences: the first in 1965 on "Band Organization", then a conference on "Cultural Ecology" in 1967, both organized by David Damas, and in 1971, the "Northern Athapaskan Conference," organized by A. McFadyen Clark. At the latter conference, participants also began developing the Subarctic volume of the Smithsonian Institution's *Handbook of North American Indians*, edited by June Helm and published in 1981.

Taken together, the two original international hunter-gatherer conferences and the three Canadian conferences on themes more narrowly focussed on theoretical debates relating to the anthropology of Dene provide a useful resource on the theoretical debates that anthropologists were engaged in and the assumptions and questions with which they approached Dene. Very briefly, drawing on the published accounts in a chronological fashion, I will summarize the key discussions in each.

Conference 1: *Man the Hunter* (Lee and DeVore 1968)

Bender and Morris (1991) provide a succinct characterization of the first conference of what was to become a series of international conferences focussing on hunting and gathering peoples worldwide:

> The famous 1968 *Man the hunter* volume, edited by Richard Lee and Irven DeVore, emerged from the Chicago conference of 1966. The conference size and structure reflected not only the availability of considerable scientific funding, but also the relatively integrated nature of anthropological and archaeological studies in North America. American anthropologists and archaeologists had little difficulty in communicating with each other, and to a large extent shared the same paradigm. Indeed the conference served notice of a quite radical shift in American theorizing, in which Boasian cultural particularism, dominant for half a century, gave way to various forms of ecological functionalism. The shift was so extreme that historical analysis was rejected as being both ideographic and particularistic (Binford 1962; protest by Trigger 1968). The emphasis was on cross-cultural systemics hinging upon notions of rationality and ecological adaptiveness. (Bender and Morris 1991:4)

Notable participants in the conference relevant to the current discussion were Richard Lee, June Helm, Julian Steward, and Claude Lévi-Strauss.

Lee and DeVore characterized the conference as consisting of "a number of divergent viewpoints ... and many of the issues ... raised remain unsolved"

(1968:4). The topical area in which Dene studies were represented was the question of band organization, responding to Service's assertion that

> the 'patrilocal band', as he called it, was not only the characteristic form of local organization in Australia but was also the basic form for *all* hunter-gatherers in the past (1962:65-67, 107-109). The composite and family bands, in Service's view, were artifacts of recent acculturation and breakdown.
> (Lee and DeVore 1968:7) (emphasis in original)

Helm's contribution to this debate was a brief description of her typology of Dogrib socioterritorial groups: regional bands, local bands and task groups (1968:118-125). Helm saw the basis of these groups as a combination of environment-economy and kinship:

> I see the ecological-subsistence complex of range and resources conjoined with an ego-based kinship network as the basic forces in the creation and structuring of the three sorts of socioterritorial groups. Range, resources, and kinship not only affect, but *effect*, socioterritorial organization.
> (Helm 1968:118) (emphasis in original)

On the contentious topic of the existence/significance of the 'tribal' level of political organization among the Dene, of significance in the negotiation of treaties and the development of Dene regional and national organizations in the 1970s (the Dene Nation), she commented dismissively:

> For the purposes of brevity, I shall ignore the difficult problem of what, if anything, constitutes a "tribe" in such a simple society as the Dogrib. I suggest that in structural terms the "tribe" may be defined as the greatest extension of population throughout which there is sufficient intermarriage to maintain many-sided social communication. (ibid.)

Helm's major point was an argument against patrilocality as an organizing principle among Dene and other hunting peoples, and that principles other than kin alliance and residence, in particular post-nuptial residence, require consideration if "the economic and social dynamics of hunting societies" are to be properly understood (ibid., 125).

Conference 2. *Contributions to Anthropology: Band Societies* (Damas 1969a)

The work of Service and Steward provided a focus for this 1965 conference:

> Problems raised in Service's *Primitive Social Organization* appeared to be rekindling interest among anthropologists in the theory of band organization, an

interest which has been initiated largely by Julian Steward in the 1930s.
(Damas 1969a:xi)

Three anthropologists studying Dene participated in this conference, Slobodin, McKennan and Helm. As well, Julian Steward discussed general issues of band composition analysis. In this conference, Helm built on her investigation of post-nuptial residence rules, should any exist in Dene society. Her contribution was more in the area of methodology of band composition analysis. Due to the fluctuating nature of band composition that she observed, Helm proposed analysing primary relative bonds between conjugal pairs in understanding community composition (1969a:216).

Conference 3. ***Contributions to Anthropology: Ecological Essays.*** **(Damas 1969b)**

The 1966 conference was dedicated to cultural ecology and included significant participants such as Richard Lee and, representing anthropologists studying Dene, June Helm. Once again, Steward's ecological approach was central and Damas provided a précis of the project and some of the debates:

> Though based, in part, on his [Steward] earlier work, the emergence of the label "cultural ecology" with related concepts of the "culture core" and "levels of sociocultural integration," crystallized in *Theory of Culture Change* and stirred the study of relationships of environment with culture and society to a new level of interest. It is principally since the publication of that work that cultural ecology has come of age as a subdiscipline of social anthropology and of archaeology.
>
> Leslie White (1959) endorsed a more completely economic or technological deterministic philosophy than any other modern-period anthropologist. He sought to demonstrate intrinsic relationships between what he termed "technological," "sociological," and "ideological" levels, and he saw these three levels as a layer-cake formation with technology affecting society and society affecting ideology. Helm (1962:638-9) has criticized White and his followers for their lack of empiricism, but Sahlins and Service (1960) offered a revised version of Whitean philosophy which should be mentioned. To these authors, "cultural ecology" must embrace the relationships between cultures, "the superorganic setting," as well as the natural features of habitat, just as "ecology in biological studies includes the organic environment, competing species, as well as the inorganic" (Sahlins and Service 1960:49-50). With the introduction of the "superorganic environment," ecological studies become an over-arcing category of studies which must encompass historical, cultural, social and economic factors. (Damas 1969b:4)

In this volume, Helm had an extremely brief comment, adding the concept of "exploitative pattern" to that of settlement pattern and community pattern. She

defined the former as "the total set of activities in the acquisition of life's goods through the application of technology upon environment", situating her discourse firmly within cultural ecology, and then expounded briefly upon the interplay of these concepts (Helm 1969b:151).

Conference 4. Proceedings: Northern Athapaskan Conference, 1971 (McFadyen Clark 1975)

The next in the series of National Museum of Canada conferences focussed on northern Athapaskans, and consequently all participants were significant for Dene studies. They included Cornelius Osgood, John Honigmann, Richard Slobodin, and June Helm. Interestingly, a planning session was held to discuss future goals in Northern Athapaskan studies, out of which eventually came the Subarctic volume of the *Handbook of North American Indians*, based on not cultural/linguistic but environmental designation.

Reflecting the events of the time, June Helm's presentation at this conference represented a departure from her previous contributions in its consideration of history and relationship, and she chaired a session on the contact-history of northern Athapaskans. "Salient classes of external factors" in Dene contact-history identified were first direct contact, trade activities, hostilities, epidemic disease, missionization, 'shock' intrusions (e.g., gold rushes, influx of settlers, growth of industrial urban centres), governmental enactments, and modern land transportation (Helm et al 1975:307-310). A discussion of how to define the relevant historic periods considered terms such as "contact-traditional" (Helm and Damas 1963), "incipient-early contact stage", "stabilized fur and mission stage" (Helm and Leacock 1971), and "government-commercial era". Descriptions of these time periods emphasized location and type of contact, Dene economic activities and conditions affecting them, and economic relations in general. Conference participants mentioned treaties and land claims explicitly, even implying that the provisions of the treaties (written) were not honoured:

> As inculcator and enforcer of whiteman values, morals and standards, Government in its multiple aspects as lawmaker, educator, and welfare dispenser has come to usurp and enlarge the role once filled by the mission as the "caretaker" of the Indian. ... Generally, the federal level of government has been more prominent in affecting Indian life. Inception of formal relations between the U.S. or Canadian government and Northern Athapaskan groups began after 1867. In the ground rules laid out by treaties (Alberta,

> Saskatchewan, Northwest Territories) and/or simply introduced as "Indian policy" (Alaska, most of British Columbia and the Yukon Territory) the Indian was constrained to observe the laws as encoded and in return the government assumed certain responsibilities, at least on paper, toward the social, economic and physical welfare of the Indian. In Canada (in contrast to Alaska) almost all responsibility for direct action remained vested in the missions for many decades. The Yukon and Northwest Territories present an extreme case of "governmental lag"; almost no direct governmental involvement in Indian health or education was taken until after the Second World War (Phillips 1967: Ch. 12).
>
> The effort of the Athapaskan peoples of Alaska and northwestern Canada to enunciate and establish land claims based on aboriginal territories is one of the most politically significant developments of the last few years. It remains, however, a specific feature within more encompassing trends in Indian-Government relations. In both Canada and the United States recent decades have seen a shift in perspective regarding the responsibilities and relationship of the nation-state toward all its citizens which has brought accelerated changes in Indian life in the North that are still emerging today.
>
> (Helm et al 1975:326-327)

Helm refered to general social welfare provisions for all citizens as improving the material conditions for Indians as well as engendering problems of their own, not advances due to special status, such as those based on aboriginal or treaty rights. She suggested a trend to moving from the land to communities as a source of subsistence and loss of language and traditional culture (ibid., 329), and, in a novel usage, characterized the "Indian Brotherhoods" (precursor to the Dene Nation) as "Pan-Indian movements" which "aim at creating economic and, especially, political leverage (e.g., "land claims") for Indians as a depressed minority within the greater society" (ibid., 329).

For their parts, Osgood and Honigmann stuck to more customary themes, Osgood providing an ethnographic map of Great Bear Lake and Honigmann discussing the psychological traits of northern Athapaskan culture.

Slobodin summarized research on northern Athapaskans and found that cultural ecology, although not an explicit theme in this conference except in the paper by J.G.E. Smith, was still a central area of research:

> In one respect the roster of Conference papers is not quite representative of recent Northern Athapaskan work. There is only one paper dealing directly with social ecology, whereas the ecological approach has been a dominant one in the ethnography and ethnology of the area. However, ecological considerations are important in several other papers ... Indeed, such considerations are lacking in few of the Conference contributions. Much, if not most recent work in the cultural anthropology of the area, including the archaeology, has developed from premises in social ecology, or in one or

> another kind of historical approach, or in a combination of both. There is little doubt that Northern Athapaskan work during the past decade or two has been strongest in cultural ecology and ethnohistory. (Slobodin 1975:791-792)

Given the events of the time (land claims and Dene political development mentioned by Helm), it is noteworthy what Slobodin chose to emphasize as research lacunae that require filling: areal ethnology, economic-ecologic studies, analyses of social organization, studies of religion and cosmology, and studies of Northern Athapaskan art (ibid., 792). He did *not* suggest an applied role for anthropology:

> The kinds of work listed below, which it seems to me are needed, are given from the standpoint of the organization and development of cultural and social anthropology; that is, how anthropology as a whole can profit from Northern Athapaskan studies. (ibid.)

Conference 5. *Politics and History in Band Societies* (Leacock and Lee 1982)

While there were murmurings of change in the anthropological approaches to Dene in the Northern Athapaskan conference, the conference that produced *Politics and history in band societies* signalled a revolution, or, as Bender and Morris suggest, the publication presents a more revolutionary view than did the conference (1991:5-6). The unity of purpose they described for the *Man the hunter* conference was lacking due to "the considerable political clout of the French left-wing intelligentsia," and the divide between archaeologists and anthropologists was considerable, so that "the one book that finally emerged brought together and enlarged upon those sections most concerned with social change" (ibid.).

> The publication ... made important contributions along two main axes. The first was to demolish the notion that contemporary gatherer-hunter societies were in any sense 'pristine'. ... This focus on recent social change led on to the second issue in the volume: the question of political action on the part of both the gatherer-hunters and the anthropologists. The acceptance of the need for political involvement voiced by the contributors to the third section of the book marks an important development. The partisan paper by Lee and Hurlich (1982) on the militarization of the San as part of the South African offensive against SWAPO, implicitly throws into question assumptions about scientific neutrality, and serves as a reminder that all too often 'neutrality' has provided a legitimation of a status quo working to the detriment of minority groups and women (cf. also Asch 1982, on the Canadian Dene).
>
> (Bender and Morris 1991:6)

Bender and Morris found the Paris conference also hearkened back to formulations of Service and economic/environmental determinists, in the editors' (Leacock and Lee) materialist form of Marxism:

> While insisting that a mode of subsistence is not the same as a mode of production, they conflate a 'foraging mode' with Marx's 'communistic mode' and assume that the former has quite specific socio-political attributes, including a lack of property rights, a dearth of leaders, and minimal gender inequality ... Political or social features within gatherer-hunter societies that contradict this pattern are viewed as post-contact phenomena linked, in particular, to commodity trading. This division is reminiscent of the early demarcation made by Service (1962), except that the substance of the typology has changed..... The insistence on the socio-political specificity of a foraging mode creates an evolutionary impasse. There is no place for change, except through external forces. Already in the Leacock and Lee volume, Morris (1982) begins to query the 'foraging mode', and points up the strong underlying techno-ecological causality. (Bender and Morris 1991:6-7)

Thus, the issues that anthropologists of Dene were addressing in 1978 were significantly different from the focus on the internal determination of topics and theory of earlier conferences to an outlook that responded directly to issues affecting the peoples anthropologists were 'studying'. As Leacock and Lee observed of the publication, it rests on a different premise: "It focuses on a set of issues that were barely raised in the 1960s but were brought to the fore by research in the decade following and by the struggles and demands of foraging peoples themselves" (1982:4). In this regard, Michael Asch presented a paper on "Dene self-determination and the study of hunter-gatherers in the modern world", where he discussed the findings of the Mackenzie Valley Pipeline Inquiry which heard the testimony of over 300 expert witnesses and conducted community hearings in every native community in the Mackenzie valley as well as major southern cities, about the future of the Mackenzie valley and the aboriginal peoples who live there. Asch stated, "It is from an examination of the evidence provided by the native people themselves at the community hearings that a clearer picture of what the Dene mean by national self-determination emerges" (1982:350).

Thus, in the space of 10 years, the discourse on northern Dene went from stating that there was no social significance to a 'tribal' level of organization to determining their views on their 'national self-determination.' Also, Asch's approach placed Dene concerns centrally, rather than making Dene studies serve the development of the discipline of anthropology. He addressed Service's view

of Dene as a "refugee-like" society, and described Dene history and the work of anthropologists such as Helm and Leacock which demonstrate that "evidence tends to support the Dene claim that no fundamental disruption in their social life occurred until the end of the fur-trade era; that is, until roughly the end of the Second World War ..." (1982:357). Asch employed a mode of production analysis, described in more detail below, to elucidate an anthropological theory of change capable of discerning the difference between the changes that occurred with the fur trade (mercantile capitalism) and those brought about by industrial capitalism (1982:362-365). He commented directly on two aspects of anthropological theory and practice: the use of evolutionary theories which suggest that hunting is a way of making a living that is not valid in the modern world, which he rejected, and the importance of working with hunting peoples to aid them in achieving some accommodation within the nation-states where they reside, by direct involvement and such endeavours as rewriting textbooks to include "hunting-gathering as a part of the contemporary world" (ibid, 366-369).

This discussion of the major conferences and debates engaged in by anthropologists studying Dene has reached a natural bridge, from the evolutionary-ecological viewpoint of change based on technological and economic alteration leading to ultimate acculturation, to a view of Dene as self-motivated and still organized along 'traditional' lines well into the twentieth century, despite centuries of involvement in the fur trade and adoption of European fur trade technology. The theoretical and methodological directions suggested by Asch in 1982 point to the kind of direction in the anthropology of Dene that would be more congenial to understanding crucial issues in Dene society such as Dene treaty history.

4b. Other directions in theory of Dene: Another theory and a methodological note

1. **Mode of production**
2. **Collaborative research/applied anthropology**

The prevailing theoretical perspectives in anthropological research with Dene until approximately the 1970s emphasized their economy and technology, influenced by their environment as the "culture core," and investigated their band organization, kinship and political organization (among other attributes) as determined by techno-economy. During the 1950s-1960s, much debate concerned the place of Dene in social-evolutionary schema and the role of Northern Athapaskan studies in developing theory in anthropology. These approaches were not useful in analysing the relationship between Dene and the Canadian state and thus did not consider treaties fruitful research topics. The question I would like to address here is: what theoretical frameworks or ways of conducting anthropology would explain/illuminate an area central to Dene, their (colonial) relationship with the Canadian state? Or, to put it differently, if it is anthropology's goal to understand Dene culture and something important was missed by overlooking colonial relations and treaties, are there approaches in anthropology that would better reveal the central aspects of Dene society, particularly the importance of relationship?

First, there is the issue of theory in anthropology. It could be argued that the focus on theory building at the expense of attention to the actual experience and position of Dene in northern Canada at the time sought to fit Dene into various theoretical (often neoevolutionary) schema rather than considering what was significant about and to Dene society. However, it is naive to suggest an atheoretical approach is either possible or desireable. Rather, I am considering both methodological and theoretical alternatives. Methodologically, collaborative research, or, more generally, applied anthropology, has the advantage of permitting the "voice" of Dene to inform and oversee the relevance of research. Thus, I am proposing to look at approaches which may provide a lens to better understand central issues of Dene society such as the treaty

relationship, specifically the two suggested by Asch in the previous section: mode of production theory and applied anthropology. He utilized these concepts to describe Dene views of self-determination and the role anthropology could play in describing hunting peoples in the contemporary world, and was critical of the portrayals of peoples such as Dene by cultural ecology and evolutionary perspectives.

1. Mode of production

Mode of production theory has common origins with hunter-gatherer studies and the work of Service in Marxist theory. Marx was concerned mainly with the capitalist system and developed a detailed theory of its workings but did not apply his theory to non-capitalist societies in detail, although he sketched it out in *Pre-Capitalist Economic Formations* (Layton 1997:15). A hundred years later, in the mid-to-late 20th century, economic anthropologists expanded on Marx's work and proposed new modes of production, such as the 'lineage mode of production' (e.g., Godelier 1975), the 'kin-ordered mode of production' (e.g., Wolf 1982) and the 'tributary mode of production' (ibid.) (Layton 1997:135-140).

Asch applied mode of production theory to Dene research to "study the process by which human societies produce and circulate the material goods needed for continued existence and how changes in this process might arise" (1979a:81). He counterposed this body of theory to what he termed "ecological-evolutionary" theory (encompassing cultural ecology and cultural evolution) and found it superior,

> in that it demonstrates that the technical and social aspects of material production in human society are really two dimensions of the same structure, and it enables us to see the process by which material reproduction both operates and creates conditions which demand structural change. (Asch 1979a:96)

Asch directed the discussion of his 1979 article on mode of production to demonstrating why he considered it superior to evolutionary-ecological models, and he offered a description of mode of production. The foundation is two principles, that humans are capable of rational thought, and that people are required to enter into social relationships to fulfill their material needs throughout their lifetime (ibid., 88). Thus, material reproduction has both a technical and a

social component, and a mode of production is the structure which results from the interaction of these sets of components. "The technical sphere is defined as consisting of three primary elements, known collectively as the '*forces of production*'" (ibid., 89). These consist of land/natural resources, technology and labour. He described the 'social relations of production' as

> somewhat analogous to "social structure" but takes as its point of departure, not abstract principles such as "descent" or "kinship" or questions of biological reproduction, but rather focuses on the relationships that obtain in the production process. It includes concepts, such as "ownership" and "control" over the means of production that are intimately tied to this process.
> (Asch 1979a:88)

Asch later applied this model to the Slavey in the context of evaluating the recommendations of Justice Berger in the Mackenzie Valley Pipeline Inquiry, the substance of which was to modernize and expand the traditional economy to maximum sustainable yields, increase employment in this economy based on processing products of the traditional economy (e.g., fur farming and tanning), and expanding a new sector, tourism. Dene proposed acquiring capital for infrastructure through rents, which Berger rejected in favour of government funding (Asch 1989:301-302). Utilizing mode of production analysis, Asch found that where Berger saw the Dene economy as a unity, "what emerges is that contained within the native economy are two modes of production", the bush subsistence mode of production and capitalism (ibid., 303). Throughout the fur trade era until fur prices crashed following the Second World War, the bush subsistence mode of production was dominant in Dene life. Once Dene had to obtain cash in other ways than through furs, capitalism had a greater impact, although cash was acquired often through transfer payments, because of a scarcity of employment, rather than through wage labour. However, where bush-subsistence relations of production emphasized collective control of land and resources by Slavey as a whole (1979a:91) and production was shared by all members of the local group through informal distribution which tended to even out the good and bad luck in hunting, transfer payments followed capitalist values and institutions. They were delivered to family heads and nuclear families, emphasizing individualized ownership of property rather than community (Asch 1989:303). Asch suggests that government grants also follow capitalist principles, such as the insistence on certain business practices and the importance of profit, whereas rents in the form of equitable taxation of non-renewable

resource activities operating on Dene lands at the time would yield sufficient capital for Dene trade good needs to enable them to begin to develop the kind of economy suggested by Berger. Asch acknowledges that this solution is not without problems; however, importantly, this capital would be controlled by the Dene community and could be used within their bush-subsistence social relations of production framework if they desired (ibid., 305).

Elsewhere Asch differentiates between two kinds of capitalism, mercantile and industrial. The fur trade is an example of mercantile capitalism, whereby profit is derived from the difference between the buying and selling prices of goods with minimal interference in the production process, unlike industrial capitalism in which production is reorganized according to certain principles of efficiency in order to generate greater profits (Asch 1982:363). As Asch found, while the fur trade supplied most Dene trade goods until the mid-20th century,

> the Dene economy was able to operate on the ground as if trapping were merely an extension of activities associated with hunting-gathering production. Hence, the dominance of the institutional framework associated with the bush subsistence mode of production could maintain ascendancy. (Asch 1982:363)

However, once the prices of furs fell into a long-term decline, Dene had to engage more intimately with the industrial version of capitalism, and "the institutional framework of the bush subsistence mode of production does not retain total dominion over Dene economic life" (ibid., 364).

From the perspective of the current treaty research, Asch's mode of production analysis has two major advantages. First, in elucidating the actual relationship between the bush-subsistence mode of production and capitalism, he demonstrates that, at the time the treaties were negotiated, Dene operated in a system determined largely by the bush-subsistence mode. The model of the relation between the bush-subsistence sector and the sector of mercantile fur trade is coherent with elders' descriptions of their economic and political autonomy and their strong collective sense at the time they negotiated the treaties. As well, elders emphasized that it was these attributes that were later impinged upon through non-implementation or direct violation of the treaties. The process of change following the negotiation of the treaties highlighted by the mode of production model is also consistent with elders' analysis of what has gone wrong due to the failure of the government to honour the treaties, with the

further intrusion of capitalism following the fall in fur prices, along with other intrusions into their bush-subsistence mode of production. For example, a registered trapline systems was imposed, as were quotas on fur and game. in contradiction to their collective ownership of the land and resource aspect of their means of production. An electoral system of governance and chiefs and councils was instituted in conflict with the production and distribution arrangements of their means of production based on the essential equality of all and mutual sharing. And, very significantly, they were moved into communities which rendered difficult those aspects of their juridical system based on out-marriages from local groups creating lateral extensions of the kinship system (Asch 1979a:91). Thus, Slavey relationships with Canada regarding their economy, autonomy, and land rights are all visible in utilizing mode of production analysis. Although the focus is on economy, through the social relations of production the political and social relationships between Dene and Canada are included, providing a picture compatible with Dene oral history.

2. Collaborative research/applied anthropology

Leacock and Lee stated a view of social justice combined with a role for anthropology in 1982 in their introduction to *Politics and history in band societies,*

> The political mobilization of foraging peoples is part of a world-wide movement for justice and self-determination by peoples of former colonial possessions. ... Social scientists who have committed themselves to the goals of native organizations have made valuable contributions to their struggles by providing key research to help back up land claims and contract negotiations; by helping to draft political manifestos; and by educating the wider public about the machinations of giant companies and the justice of native demands. (1982:18)

The concept of applied anthropology is not new; Radcliffe-Brown referred to it in the early days of British functionalism:

> Applied anthropology must, of course, be based on pure anthropology. What is therefore necessary in the first place is the development of the pure science by the discovery or formulation of the fundamental principles of social integration. (Radcliffe-Brown 1931:276 in Hill and Baba 1997:14)

Paralleling the developments in research with Dene outlined above, considerable change occurred in applied anthropology following the 1960s:

> Until the early 1960s, anthropology was primarily an academic discipline, in which the role of anthropologist was identified as a professor/researcher affiliated with a university. Application of anthropology to contemporary issues was uncommon, with a few notable exceptions such as the work of anthropologists in the Bureau of American Ethnology, in various defense support capacities during World War II. ... The past three decades, however, have witnessed a change in the nature of applied anthropology, as it has shifted from an activity performed by a small minority, or a task which was relegated to a secondary position within a major research project, to being the primary focus of many anthropologists. (Chaiken and Fleuret 1990:13)

Certain questions have accompanied the development of applied anthropology, such as the relationship of practice to theory (Hill and Baba 1997:17) and the ethics of advocacy (e.g., the views of Justice McEachern of the BC Supreme Court in the *Delgamuukw* decision that, due to their close contact with their research subjects, anthropologists are "more of an advocate than a witness" and generally biased in favour of their subjects (quoted in Asch 1992a:236)). However, within anthropology in Canada, applied anthropology is less problematic. In 1981, the Society of Applied Anthropology in Canada was established as an offshoot of the Canadian Anthropology Society, and its journal "promotes practicing non-academic anthropology, as well as policy analysis, and provides examples and information for the sake of students aspiring to non-academic careers ... [and] to use it as a vehicle of rapid response to advocacy issues" (Ervin 1997:59). Applied anthropology is considered healthy for the discipline, and an emphasis is collaboration with research subjects:

> The time has come for members of the academic community to take the same stance against the colonial suppression of Aboriginal people as they have recently been willing to take against sexism and racism. These wider issues concern the extent to which social scientists are willing to speak out on social issues, thereby adding vigour to the debate on issues of national importance by lending the weight of their own research. This will mean that certain attitudes about how research is to be conducted will also have to change, largely by taking greater cognizance of the goals and wishes of the people who are the subject of such study. ... There is no reason why social-scientific disciplines such as anthropology cannot take an advocacy role in today's society. Nor can it be argued that this role is fundamentally at odds with the cultural-relativist underpinnings of anthropology. (Hedican 1995:232)

Anthropologists have also recognized that their contribution through applied and advocacy anthropology to the goals of the people with whom they are conducting collaborative research does not automatically translate into success at confronting the issues facing them. From work with the Navajo opposing their relocation, Wood recommended

> ... that we spend at least as much time studying the political and economic processes we are trying to influence as the client communities impacted by those political and economic processes. Specifically, we need to understand the political arena we are addressing, its processes and personel. (Wood 1989:36)

In the current research, the collaborative nature of the research—the methodological and philosophical alteration of the roles of passive subject and active researcher—were significant, in the manner described by Culhane

> Contemporary anthropology questions many of the foundations of this academic discipline. Most importantly, classical anthropology is undergoing a thorough re-examination by those "subjects" who were constituted as "objects" of study by earlier generations of ethnographers. Formerly colonized peoples, members of minority communities in the west, women, and other "Others" who were historically written about and analyzed by anthropologists, are turning the microscope around and scrutinizing those who originally examined them. (Culhane 1998:20)

Applied anthropology has direct relevance to projects such as the current treaty research, for, as stated above, Dene interpretations of their fundamental relationship with Canada would not have been researched without their direction. It was emphasized to me that this relationship is extremely important to Dene, and through an applied methodology it was possible to direct the project toward a key issue from the outset.

Conclusions

By the early 1980s, the political implications of anthropological (as well as other) studies were being brought home, largely due to the efforts in the mid-1970s of aboriginal peoples to control development on their lands. Where in 1968, Richard Lee and Irven DeVore edited the influential *Man the Hunter*, by 1982, Eleanor Leacock and Richard Lee's edited volume, *Politics and History in Band Societies*, took quite a different perspective (e.g., see Asch 1982; Feit 1982). The changes that occurred in the 1980s— particularly the assertion by aboriginal organizations that they control the representations of their peoples and that research must speak to their needs — have altered the way much research is done in the Canadian north, at least.

The approaches I review in this chapter are not the only theoretical options available in anthropology. Prior to the Second World War, developments in British functionalism held promise of an increased interest in examining colonial

relations. And, the current interest in poststructuralism stemmed from criticism of studies that ignored such factors as the privileged position of the researcher and the creation of mythical histories to legitimize inequalities due to colonialism, among other things.

A review of the history of the anthropology of politics reveals that particularly during the inter-war and immediate post-war period, British anthropologists from the functionalist school were developing sophisticated approaches to the study of indigenous political organization and colonial relationships, including:

> ...strident challenges in the study of law (where Malinowski confronted Radcliffe-Brown), the study of war (where Malinowski appeared to be taking on an uninformed public opinion), and the study of contacts between peoples of different races (where political sensitivities were at variance). ... Toward the end of the period, anthropologists trained as functionalists, such as Alexander Lesser in America and Monica Hunter and Hilda Kuper in Britain, were producing political ethnographies that were considerably more sophisticated than those of the earlier generation. ...And then came World War II and the disruption of the anthropological study of politics. Many prewar concerns were not picked up again; others were, but only so that they might be repudiated. Malinowski's vision of law in action, with its distinctive features, was called a red herring by one leading legal anthropologist. [Bohannan] ...Malinowski won the battle but lost the war to the combative followers of Radcliffe-Brown.
> (Vincent 1990:221)

With the adoption of cultural ecology and acculturation studies, the work of functionalists was dismissed, functionalism and related concepts fell into disrepute and the further development of potentially useful research tools was attenuated. It is worthy of mention here, though, that functionalism retains utility in court cases from the turn of the (19th) century to the present (e.g., *re Southern Rhodesia*, 1919) by enabling the demonstration of attributes of Aboriginal cultures that function as institutions recognizable, and hence protectable, in Western law.

North American cultural relativism has been criticized for casting colonialism as a problem of cultural conflict, neglecting the role of conflict of interest between classes or groups, and for "non-enlightened Euro-centrism in considering Western values and modes of behaviour normal and universal" (Alfonso Martinez 1990:10). British functionalism, while contributing basic concepts to the systematic analysis of social entities, has long been criticized for its ahistoricism. Nonetheless, the concepts developed in functionalism and relativism

are "crucial for the assessment of existing models of interpretation in the fields of legal and political anthropology" (ibid., 11), and thus essential for assessing the relations between First Nations and Western ('colonizer') societies and governments.

The demand for change in anthropology from the dominant models of the 1950s through the 1970s has prompted a number of anthropologists to search for other analytical tools, such as post-structuralism. In the 1980s poststructuralism emerged from the postmodern movement generally to question some of the basic tenets of anthropology, such as the reality of cultures and reliability of anthropologists' accounts. In defense of hunter-gatherer studies, Lee characterized poststructuralism/revisionism (a term he used to denote a combination of some elements of poststructuralism with some elements of political economy):

> Thus poststructuralist criticism ... takes a much more radically skeptical line. This view, linked to some versions of postmodernism, to deconstruction, and to a variety of other current schools, argues that there is no truth, only regimes of truth and power, and that all anthropology is powerfully shaped by the cultural constructions of the observer. Thus, ethnographic writing (about foragers or anybody else) has more in common with the historical novel and other works of fiction[35] than it has with a scientific treatise. Therefore, the task of ethnography becomes immeasurably more problematic; truth is a best partial, flawed, obscured, and above all *relative*. (Lee 1992:35)

Lee observed that the essential differences between foraging and other societies are obscured in poststructuralist and political economic views:

> Political economists and poststructuralists have tended to make the same critique of ethnographic practice, but as we shall see, for rather different reasons. Both argue the extraordinary proposition that the natives are "Us," and both put into question the assumption that hunter-gatherers, whatever they may be, represent the "Other." The political economists argue that the natives are to all intents like Euro-Americans, because relations of domination and/or merchant capital

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[35] In his introduction to the 1988 edition of Malinowski's *Diary in the Strict Sense of the Term*, Firth comments on the postmodernist perspective of Clifford and Geertz: "...Clifford has become fascinated by the notion of *fiction* and tends to treat any text with an element of personal subjectivity in it, as fictional. It is not clear what he understands as 'fiction'. But for him the Diary is a fiction of the self for Malinowski, and the *Argonauts* the fiction of a culture — though 'realistic cultural fictions', whatever they may mean. (In some contexts, Clifford seems to equate 'fiction' with 'construct'.) In his zeal for literary interpretation, Clifford even is tempted to propose ethnographic comprehension — coherent sympathy and engagement with the people studied — as best seen as a creation of ethnographic *writing* than as a quality of ethnographic *experience* (1986:158 – his italic). But though one may not accept all of Geertz's or Clifford's interpretations, their serious treatment of the Diary and suggestive commentaries show that the work has now an established place in anthropology" (Firth 1989:xxx-xxxi).

> reached the Arctic or the Ituri Forest or Sarawak long before ethnographers did and, therefore, tributary or mercantilist or capitalist relations of production have transformed foragers into people like ourselves, as parts of larger systems with hierarchies, commodities, exploitation, and other inequities and all their accompanying social consequences (Schrire 1984:18). Poststructuralists take the view that because anthropologists (like everyone else) are prisoners of their own ideology, as a consequence they can see in the "other" only a flawed perception of themselves. Thus, in either scenario, the "other" is declared a noncategory. (Lee 1992:35)

Lee argued that the extreme scepticism of postmodernism and its tools, such as deconstruction, not only cast into doubt most of anthropology, but actually operate counter to the original objectives they were created to serve:

> In *The Invention of Tradition* (1983) Hobsbawn and Ranger and others show how allegedly hallowed customs handed down from the past are in fact the product of recent history. In his method of deconstruction, Derrida has argued that history is akin to a literary text and, like all texts, is ultimately unknowable (1976, 1978). It seems a short step to extending a critical and debunking discourse to all anthropological subjects.
>
> But along the way there has been a slippage. The tools of deconstruction, developed to debunk and call into question the high and mighty, are now being applied to the powerless. Where the invention-of-tradition perspective was initially deployed to deconstruct the public rituals of the 19th-century British monarchy or pomp and circumstance in colonial India, it was now being generalized to question the claims to authenticity of small peoples. In his influential work, *The Predicament of Culture*, James Clifford shows how the Mashpec Indians construct their identity *de novo* in order to meet the exigencies of a court case (Clifford 1988). ...
>
> The situation within anthropology is paralleled by the impact of poststructuralism on the broad front of the social sciences. Foucault's famous dictum (1976a, 1976b) that there is no truth, only regimes of truth and power, was originally intended as a critique of arbitrary power, but by showing the fragility of all truth-claims it has had the effect of undermining the legitimacy as well of oppositional movements for justice against these same powers (Taylor 1984; Habermas 1987). (Lee 1992:36)

Lee considered it particularly threatening that the basis of anthropological knowledge is being questioned by "largely male, White, and Western poststructuralists" at precisely the time when the voices of the traditional *subjects* of research are beginning to be heard. Addressing similar issues to those cited earlier by Alfonso Martinez and Cruikshank, he identified the involvement of indigenous peoples in directing and collaborating in research to represent their history and determine their future:

> One trend that seems to be present in all three methodological currents [in current hunter-gatherer studies] is a move by some (but by no means all) away from seeing hunting and gathering peoples as *objects* of anthropological

> inquiry, to a situation in which they become the *subjects* of their own history and often the directors of their own research. This has paralleled the development of political consciousness among indigenous people[36]. As foragers and former foragers have become more involved in struggles for their rights, hunter-gatherer studies have become much more of a collaborative enterprise: working *with* the people in their struggles to determine their futures.
> (Lee 1992:42)

For Dene, events during the 1970s prompted a need to organize to protect their land, economic and political rights in novel ways. Changes in constitutions, legal precedents and government policies opened new avenues for Dene to pursue their objectives. The implications of previous research, particularly acculturation studies, and new research needs for public inquiries, court cases, and government claims policies prompted Dene to assume a more critical and directive role in research.

Toward an anthropology of Dene treaties

The dichotomy between the significance of treaties to Dene (and, it can be argued, to Canada) versus the preoccupation of the classic ethnographic process toward adaptation and economy, acculturation, broad theories applicable to hunting peoples, and band organization can be summarized, on one level, as conflicting objectives between applied anthropology and research goals directed toward theory building. Generally, these have been conceptualized as two formally distinct areas in social science research, the former directed toward addressing problems in the 'real world' utilizing the toolkit developed in an academic discipline, the latter toward refining the theoretical tools of the discipline themselves. Yet, in practice, there is no inherent reason why applied anthropological investigation cannot address theory equally well, and, in fact, applied studies may introduce novel arguments and information relevant to particular situations, as revealed in Asch's work with kinship and political organization in the context of changes in Dene community structures and development of local and regional self-government.

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[36] It can be argued that there is an element of causality Lee has not identified: that the political consciousness and actions of indigenous people have resulted in their adoption of different—and more active—views of their role in research about their people. (e.g., see comments by Cruikshank elsewhere in this chapter).

The present study emerges from an applied impetus, and thus prominent in this study are questions currently central to Deh Cho Dene governance and their relationship with Canada. The sources for research questions are not primarily focused on theory building in anthropology but toward relevance for the issues of the day that Dene are confronting. For example, if the project were to demonstrate the veracity and rationality of the hunting economy in the contemporary world, concepts such as mode of production theory are well suited to examining the relationship between Dene hunting and industrial capitalism (Asch 1982). For questions of a social or political nature, other bodies of theory from within anthropology and other disciplines such as political science which highlight colonial relations may prove useful to understand the Dene position. For the present purposes, this study has attempted to understand the factors Dene consider relevant and to cast light on the nature of the relationships in which they are currently engaged, and in the process has found that Dene oral history of their treaties is the most complete and accurate source of information on the treaty relationship.

Chapter 5. Discussion and Conclusions

Social-cultural anthropology claimed the identity of the academic discipline devoted to the study of other cultures, and consequently modern anthropology has inherited a legacy of debate over how this should be done, with 'armchair' theorizing directed toward highly generalized constructs occupying one extreme, counterbalanced by highly empirical research based on considerable first-hand contact with people of other cultures. Various theoretical trends have swung between these poles: relevant to research with Dene and other North American hunting peoples, these include classic evolutionism, functionalism, structural-functionalism, historical particularism, psychological anthropology, cultural ecology, Marxist anthropology, and post-structuralism. Variants of these approaches that have been applied to Dene were the subject of the previous chapter.

Prior to and during these developments in anthropology, Dene were pursuing their lives in increasing contact with Euro-Canadian society through the (ongoing) colonization of North America. This contact was at times benign or mutually beneficial, but became increasingly intrusive. Throughout Dene endeavoured to benefit from their relationship with the newcomers, and latterly to protect themselves from the myriad of negative consequences of this contact. Their treaties—Treaty 8 and 11—were milestones in this relationship, in essence what they describe as the occasion of its face-to-face negotiation and formalization. The treaties also came to be seen by Dene as examples of the untrustworthiness of the Euro-Canadian newcomers, for it was soon revealed that the documents the Crown claimed as the treaties were fraudulent and the treaties that were actually negotiated were not recorded (or these records were soon lost). For the most part, promises made in neither version were honoured, and in the 20th century Dene had to seek other means to protect their way of living and culture.

Also in this century, baseline ethnographic research on Dene was conducted, much of it by the academic lineage originated by Franz Boas, and the institution of an historical particularistic approach based on selective appeal to his tradition.

By the late 1940s, the cultural ecology and related perspectives dominated by Julian Steward were to have a major effect on the kinds of questions anthropologists asked of their ethnographic research with Dene and peoples having similar economies, as discussed in the previous chapter. What is significant about anthropological research with Dene is that crucial elements of Dene history and society—such as that pertaining directly to their relationship with non-Dene—did not appear in ethnographies. In essence, recent Dene history and modern anthropology of Dene and other hunting peoples have few elements in common, particularly in areas such as political organization, leadership and relationship. To conclude this discussion, I will address the questions of why this disjunction exists, what anthropologists missed by studies that only focussed on certain elements of Dene society to the exclusion of areas such as those revealed in the Dene treaty study and what anthropologists need to consider in terms of other research directions and methods in anthropology that might provide a less incomplete and more accurate picture of Dene society while also addressing issues real-life issues important to Dene.

1. Why anthropologists overlooked Dene treaties

Throughout the previous chapters I have presented material from ethnographic studies of Slavey and other Dene, anthropological theories on Dene and hunter-gatherers, historical accounts of Dene treaties, and the Deh Cho Dene treaty study conducted as part of the present research. Taken together, this information reveals a contradiction between the way anthropology has represented Slavey Dene and how they see their own society and history. The dissonant views are exemplified in two instances, the cases of Treaties 8 and 11 and the question of Dene leadership and political organization.

In the case of the Dene treaties, early ethnographers accepted the written text as the authoritative version of Treaties 8 and 11, and thus the perspective that through these treaties—whether by fair means or foul—Dene now came under the jurisdiction of Canada and their lands were now unproblematically Crown land. Yet, the considerable documentary evidence reviewed in chapter 2 reveals that, in practice, the written version was only a pro forma document and the treaty party negotiated assurances and concessions amounting to an entirely different agreement, contradicting the written text on major points such as

surrender of land, sovereignty, and control of economy. Dene oral history compiled during the present research project describes Treaty 11 and Treaty 8 as negotiated agreements, not ultimatums presented as the *fait accompli* which the written documents appear to be. They describe the essence of these agreements as peace treaties, for their people and the newcomers to live alongside each other in the manner of relations—in relationship—whereby the Dene ability to pursue their livelihoods and govern themselves, pursue "their business," would not be interfered with. In return for this relationship and to cement it, they were promised assistance to continue their economic activities (bullets/shells, nets),in times of sickness, scarcity or change, and an annual annuity to indicate the continuation of the relationship.

For an academic researcher, the question of evidence arises. On the Crown side are the written texts of Treaties 8 and 11 and documentation such as the treaty commissioner's reports and subsequent legislation (e.g., game laws which contradict provisions of the oral version of the treaties). In support of the Dene version of the treaties is, primarily, Dene oral history. Prior to the 1998 Canadian Supreme Court decision in the *Delgamuukw* case (quoted previously), documentary material has proven more acceptable than oral testimony as evidence to courts and in much of academia. In the case of Dene treaties, however, the considerable documentary and oral history material collected in this study and in previous studies (described in Chapters 2 and 3) presents a compelling argument that the accurate version of Treaties 8 and 11 are those held in Dene oral history, a decision a Canadian court has come to before me (in the *Paulette caveat*). Therefore, in light of the evidence, the Dene version of the treaties is the most complete and accurate one.

To broaden the focus somewhat, in the past two decades or more, research has been conducted on other treaties and on Treaty 8 in other locations (this study was restricted to the Deh Cho Dene treaties and thus the Northwest Territories, but Treaty 8 lands were also in British Columbia and were subsequently transected by the creation of the provincial boundaries of Saskatchewan and Alberta as well). Some of this research has come to startlingly similar conclusions about other treaties, suggesting a pattern of deception to treaty making on the part of the Crown that was established prior to the negotiation of Treaties 8 and 11. For example, a detailed study published in 1996 of Treaty 7 negotiated in

1877 with the plains peoples (Blood, Peigan, Siksika, Stoney Nakoda, Tsuu T'ina) and including considerable oral history, contains the following academic conclusions:

> Treaty 7 people did not misunderstand what was said to them at the treaty negotiations. They were told that this was a peace treaty and they would be "taken care of." Only later did they discover the actual terms of the written treaty. The academic authors who agree, to various degrees, with this interpretation include John Taylor, John Tobias, Jean Friesen, Doug Sprague, Richard Price, Noel Dyck, Hugh Dempsey, and Sarah Carter. But perhaps the most telling are the opinions that Father Scollen expressed about the treaty. He was at Blackfoot Crossing, and he worked among the Blackfoot both before and after the signing. He agreed with the elders that the land surrender aspect of Treaty 7 had never been explained to them and, perhaps even more serious, that Treaty Commissioner Liard had never intended to keep the promises that he made to the Aboriginal peoples at Blackfoot Crossing. The claim that the Canadian government bargained in good faith is no longer acceptable; the evidence to the contrary is too great. It is clear that the Treaty 7 people were not told the whole truth, either by the commissioners or the translators. The degree of deception is more difficult to determine. Was it deliberate, was it fraud, or was it merely a sin of omission? The treaty commissioners might have allowed the Aboriginal leaders to believe that "sharing the land"—which the chiefs were willing to agree to—was the same as a "land surrender"—which the government was determined to achieve.
>
> What cannot be questioned is the fact that the treaty was not honoured by the government. The non-performance on treaty promises was so flagrant that even supporters of the government such as Father Scollen were offended. As a consequence, the First Nations of Treaty 7 began to petition the government to honour all of the promises that the elders remembered being made to them. They continue to press for justice to this day.
>
> (Treaty 7 Elders et al 1996:325-326)

The documentation of fraud (or misrepresentation) by the Crown negotiators and subsequent officials charged with implementing the agreements for Treaties 7, 8, and 11 suggest a pattern which is now supported by such a mass of data as to leave very little doubt as to the truthfulness of the Aboriginal oral history of these treaties, and perhaps others as well. As Chamberlin observed, the majority of the numbered treaties were negotiated during a condensed time period and likely a similarity of outlook and purpose which was only later recognized as discordant with the situation in the west (and northwest):

> In only six years, between 1871 and 1877, seven treaties were signed, the western interior opened for settlement, and an Indian Act incorporating many assumptions based on experience in central and eastern Canada was passed (in 1876). By the 1880s, the differences between the situation in the West and in Ontario, Quebec, and the Maritimes were becoming apparent, so that, for example, the enfranchisement provisions of the 1880 Indian Act did not apply outside the four original provinces unless Cabinet issued a special proclamation.

> Similarly, the legislative provisions for Indian self-government, which bore little relationship to what the western tribes would have recognized as autonomy, were designed with the settled bands of central and eastern Canada in mind. (Chamberlin 1997:35)

Furthermore, Canada chose to follow British policy stemming from the Royal Proclamation of 1763 precisely at the time (1871) when the United States adopted the opposite route: "'hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power with whom the United States may contract by treaty'" (ibid., 36), and "[m]any Americans felt that they [treaties] were absurd concessions to the primitive fiction of Indian sovereignty, and had no place in modern society" (ibid., 35). By the time early ethnographic work was being conducted with northern Dene, at least half a century of divergence between Canadian and American government perspectives on treaties with Aboriginal nations had ensued. However, I have argued that rather than policies of governments or prevalent social attitudes, the shortcomings of the theories and methodologies of anthropology itself explan the disjunction between anthropological descriptions of Dene and Dene society as revealed in the current treaty study.

To summarize, anthropological theory on Deh Cho Dene is influenced by some persistent themes in anthropology: evolutionary and ecological models. Following the first world war, nineteenth–century cultural evolutionism was effectively countered by Boasian historical particularism in America and Malinowski's and Radcliffe-Brown's functionalism in Britain, with Lévi-Strauss's contribution of structuralism. However, the cultural evolution of Morgan—a sweeping model of distinct stages through which each society passes (e.g., the familiar upper and lower barbarism, savagery, etc.)—remained a canon of Marxism and was revived following the Second World War in revised form, as a multilinear and situational evolutionary process that influenced Marxist and avowedly non-Marxist anthropologists alike (e.g., the models of Steward and Service). Both versions of cultural evolution stressed economy and technology as central and determinative of other facets of culture such as social and political organization and belief systems. Both 19th– and 20th–century evolutionism place hunting peoples such as the Dene at a level of sophistication (or "sociocultural integration") whereby they were preoccupied by their economic concerns, with little time left over after making a living to devote to cultural elaboration in areas

such as political organization. Dene were described as having a very simple, fluid and flexible culture due to the requirement of living in a harsh and capricious environment, a culture which emphasized personality traits such as individualism, the importance of social units such as bands and task groups over larger social groupings, and weak and unformalized leadership based on ability in hunting.

These features attributed to Dene accord well with unproblematic nature and lack of importance ascribed to Dene treaties by anthropologists—from the ethnographies of Dene it is difficult to conceive of their ability to enter into such international agreements and treaties are seen as only peripheral to their central interest (economy). Descriptions of Dene views on their treaties in the classic ethnographies, where they are mentioned at all, emphasized their lack of understanding of the nature of the treaties (the version of the written texts) and, at times, the lack of sophistication on the part of their negotiators, such that they were easily led by non-Dene authorities such as the Treaty Commissioner and Bishop Breynat to sign the treaties. This perspective was also consistent with the view that indigenous Dene authority and leadership were inherently weak and easily fell prey to the inevitable forces of acculturation, resulting in the substitution of more sophisticated authority structures from the society having the higher level of socio-cultural integration (Euro-Canadian society). Rather than illuminating the relationship of Dene with Euro-Canada, anthropologists framed Dene treaties in an ecological–evolutionary model, thereby depicting the colonial relationship that is of central importance to Dene in the manner of a predictable evolutionary change in their economy and culture. Consequently, anthropology overlooked an extremely important aspect of Dene history and culture, misrepresenting Dene in the process.

2. The significance of Dene treaties: what anthropologists missed

Dene of Deh Cho expressed that their political relationship with Euro-Canada is of central importance, both by initiating the treaty study and through the information compiled in the research. They indicated that protecting their economy was certainly important, and they sought to achieve this by continuing to govern their economic activities (i.e., by negotiating assurances that "what you do on your land is your business"). They were concerned with establishing

an ongoing relationship with Canada, one that would provide protection for their autonomy and economy, establish peaceful relations with settler-Canada, and afford them some material recompense in the form of assistance for their sharing and peace. They cited instances of the sophisticated understanding of their leadership (such as that of Paul Lefoine, first chief of Zhati Kue, and Sunrise, first chief of the Hatlohdehechee people) of political relations and the arrangements they sought, which they described as "living together as one relation." As well, they knew of treaties negotiated elsewhere where unacceptable arrangements such as reserves were established and the Crown and white people generally revealed themselves to be untrustworthy. As a consequence, before they would consent, they repeatedly demanded assurance that the treaties were not land surrender agreements. They were also extremely concerned that the treaty relationship would continue forever without change unless agreed to by Dene, recognizing that the settlers coming to "live among them" were there to stay and some permanent agreement must prevail to determine how this relationship would be structured. They emphatically negotiated arrangements they considered beneficial and promises they deemed essential to protecting their society, refusing to agree to the treaty until they were satisfied (or were persuaded) that the Crown was negotiating in good faith and the treaty party was not lying. In the end, they felt they had negotiated a good relationship with the Crown. The problem, as they see it, was that this deal was subsequently not honoured, tossed out or changed behind their backs, and in its place were substituted actions based on the treaty represented by the written text, containing provisions they not only didn't want but had sought specific assurances against (e.g., the earliest signs that the Treaty was not being honoured were restrictions imposed on Dene hunting and trapping).

By viewing the treaties as unimportant or part of the (political) 'environment' to which Dene needed to adapt, anthropologists misconstrued or ignored important aspects of Dene society, particularly in the area of Dene history, political organization, and core features of Dene culture. Anthropologists focussed on economy to describe Dene society and culture change, in the first instance by the fur trade—the significance of which anthropologists debated, some arguing in the manner of Murphy and Steward that the fur trade disrupted Dene culture to the extent that it was significantly altered and Dene were rapidly becoming completely acculturated by the time they were first studied by

anthropologists, others (such as Helm and Leacock) seeing significant change increasing over time such that government involvement in Dene life created greater changes than the fur trade, and still others (such as Asch) claiming that the fur trade did not change the basic institutions of Dene society, which were only pressured to change with the great reduction in the importance of the fur trade after the Second World War. Anthropologists such as Honigmann saw alteration in Dene culture, as evidenced by alteration in their material culture, as a process of gradual change culminating in acculturation. Helm viewed the imposition of game regulations such as closed seasons and quotas as an environmental factor which, when Dene complained about it, she interpreted as a feature of their individualistic (atomistic) northern hunter-gatherer nature.

By taking the perspective that Dene history was of lesser importance than generalized processes of change (i.e., acculturation) and Dene political institutions and leadership were underdeveloped and weak, anthropology misconstrued the meaning of the treaties and important aspects of Dene society. The treaty research project documented elements of Dene political organization that were central to Dene society, such as the process of selecting leaders, the criteria desired in a good leader (someone who can speak well and will listen to the people) the role of negotiation and coming to agreements, the value placed on honesty, the way that sacred agreements were to be conducted and continued, and, importantly, the way Dene and non-Dene should live together. They indicated their willingness to enter into a peace treaty and allow passage of other peoples on their land, and their steadfast refusal to include their land in negotiations. They also suggested that some of their leaders had the ability to foresee trouble and to attempt to guard against it in the treaty negotiations, as well as the insight to determine when the treaty party was not negotiating in good faith.

Overlooking Dene political views, leadership and treaty history, anthropology focussed instead on Dene subsistence and implied that this preoccupation with economic matters mirrored that of Dene society. However, as professionals in the discipline claiming to understand non-western/non-European peoples, anthropologists failed to consider that these peoples, in the case of the Dene, are understandably very concerned about their relationship to the colonial states that have grown up in their midst, and have a detailed understanding of their colonial

history and the way fair relationships with these states should be, but aren't. Thus, by overlooking the significance of the treaties, anthropologists missed one of the most important (to Dene as well as to any comprehensive understanding) elements of Dené society: their colonial relationship.

3. Other directions in anthropological studies of Dene

Given the disparate views of anthropology and Dene concerning their treaties and leadership, and the conclusion that it is the Dene view that is accurate, it follows that the anthropological description of Dene society is the one that is erroneous. What, then are some alternatives for anthropology in understanding peoples such as the Dene?

First, I have criticized the anthropological preoccupation with theory—specifically the prevalent ecological-evolutionary theories in the anthropology of hunting peoples—for masking the critically important issue of relationship. One extreme alternative would be to abandon theory entirely and adopt a strictly empirical approach, thereby limiting the cloud of preconceptions from the view of Dene as they are. There are problems with this course, however, the foremost being that it provides no basis from which to analyze society, leaving the researcher in a situation of extreme relativism and little option but to take at face value whatever is presented. Additionally, there would be no real purpose to anthropology as a discipline, an outcome to be avoided not merely for form's sake but in the event that anthropology may have some redeeming qualities to apply to our understanding of other cultures.

Anthropological concepts have proven useful in a number of situations. The Special Rapporteur of the United Nations subcommittee looking at treaties between states and indigenous peoples, Miguel Alfonso-Martinez (1990), identified cultural relativism as a significant conceptual contribution to understanding and tolerance; Malinowski's functionalism has shown itself useful in arguing before courts of law the compatibility of the institutions of indigenous societies with those of European society from the early 20th century essentially to the present. With increasing disruption from changing versions of neo-colonial boundaries and power structures, along with the rise of various forms of

nationalism and violence, there is an important role for anthropology in the area of relationships and colonial history.

In the preceding chapter, I discussed some alternative approaches in anthropology that have been shown to illuminate the relationships between peoples, such as mode of production theory and applied anthropology. Although its central focus is on economy, mode of production theory requires detailed attention to relationships, particularly in the area of the social relations of production. This approach proved useful for assessing the social and environmental impacts of constructing the Mackenzie Valley Pipeline in the 1970s, in that it was possible to demonstrate that Dene continued to have a viable economy based on resources such as meat, fish, and fur in an economic system based on their traditional bush-subsistence mode of production, despite outward appearances of the use of technology and income from the industrial-government mode of production. Thus it was concluded that construction of the pipeline would have considerable negative impact, further undermining their bush-subsistence mode of production by adversely affecting their access to and means of production and introducing additional aspects of the industrial social relations of production (e.g., income going to individuals rather than collectivities (often young males with few family responsibilities), control over resources by government and companies, incompatibility of the pipeline and its construction with subsistence activities) (Asch 1982, 1989). Analyzing modes of production, combined with an empirical approach that addressed directly Dene concerns, worked to cast light on the relationships between Dene and Euro-Canadian society that contradicted former approaches in anthropology characterizing this relationship as a process of acculturation which anthropologists could merely document for the purpose of advancing anthropological theory.

Other approaches from anthropology have some application to understanding relationship. Functionalism, much maligned for its ahistoricism and tendency to view societies as insular and self-regulating, nonetheless has utility in revealing how institutions function and how they are therefore analogous to institutions of very different forms performing similar functions in other societies. The manner in which relationships can be revealed employing functionalism is by suggesting the compatibility/incompatibility of institutions of different, such as in the areas of land tenure and law. A classic example is the *re Southern Rhodesia* case before

the Privy Council in England in 1919, where anthropologists argued that indigenous concepts of land tenure were comparable to, and hence recognizable by, "civilized" English law. The case was lost by a legal decision relying on social evolution and became a precedent in Canada used as recently as 1990. Similar functionalist arguments have application for demonstrating how indigenous legal and political institutions that take the form of ceremonies, songs, and oral history unfamiliar to Euro-Canadian observers and legal systems actually function to perform understandable legal and political roles (e.g., testimony before the courts in the *Delgamuukw* case). From a perspective of observing the application of the theories employed by functionalism's major detractors, such as cultural ecology, there appears good reason to maintain functionalism in anthropology's conceptual toolkit for its use in revealing relationship:

> Malinowski's anthropological innovation was his repeated emphasis on the rather obvious fact that human individuals are never by themselves. We can only survive in relationship with others. This stage of 'being in relationship' is not just an idea, it has concrete expression. Two individuals who are 'in relationship with one another' can be seen to be under obligation to engage in a reciprocal interchange of goods and services. This principle of reciprocity underlies, and indeed defines, all social systems. A mother has rights and duties towards her child just as the child has rights and duties towards the mother.
>
> For Malinowski, this principle lay at the very root of all culturally-defined behaviour. What the anthropologist recognizes as a body of customary law is simply a set of specifications of rights and duties between the individual members of a social system. If we refuse to fulfill our obligations towards others we must anticipate that others will refuse to fulfill their obligations towards us. This, from Malinowski's point of view, was the supreme sanction which leads to general conformity. (Leach 1977:14)

Approaches from outside anthropology also highlight relationships, such as work on international treaties (such as those between colonial powers and indigenous peoples), colonialism and self-determination in law and political science (e.g., Neuberger 1986; Reynolds 1992; Zlotkin 1985) and material in philosophy which directly addresses the topic of relationship, such as the work of Martin Buber (1937). For example, Neuberger looked at what constitutes the "self" in self-determination and questions the legitimacy of concepts such as "nation" which impinge (or reveal) on their relationship to other "nations":

> European colonialism called the ethnocultural groups in Africa "tribes", a concept with racist connotations of primitiveness. In fact, there is no objective reason to call the few hundred thousand Basques a nation, and the ten million Ibos, who possess a well-defined territory, a language, and a culture, a tribe.

> The notion that the Europeans form nations and the Africans tribes was simply a reflection of colonial racism which became a moral rationale for colonial rule.
> (Neuberger 1982: 23-24)

From an Australian perspective, Henry Reynolds examined the role of law in colonial relations, particularly the concept of *terra nullius* which, used in combination with evolutionary constructs to declare Australian Aboriginals uncivilized, justified taking their lands by virtue of being uninhabited:

> While pleading his case before the International Court [in the course of providing an Advisory Opinion on the Western Sahara in 1975] the Algerian representative argued that the concept of *terra nullius* had been 'the legal spearhead of European colonialization', reminding us that in the eighteenth and nineteenth centuries the law was frequently used as an instrument of domination and exploitation both between nations and between dominant and subordinate groups within single nations. In the twentieth century and particularly since the end of the Second World War international law has been forced to adjust to the breakup of the European empires, to restore the balance between former imperial powers and their erstwhile colonies. There has also been readjustment in countries where colonized people form a small enclave in the larger society.
> (Reynolds 1992:176-177)

Reynolds' observation of the Australian case presents a provocative analogy to Canada's relationship with indigenous peoples: "The official view has always been that Aboriginal claims were always void before all. The intellectual and moral gymnastics required to sustain that position have been quite extraordinary" (Reynolds 1992:2).

Thus it would appear that there are theories in anthropology and other disciplines which have been used to highlight relationships between indigenous peoples and colonial states. In studies of hunting peoples such as Dene, anthropology's preoccupation with the relationship of peoples and the techno-environment was combined with evolutionary concepts to depict hunting peoples as preoccupied with subsistence and economy to the detriment of elaborating other aspects of their social life. As with the Mackenzie Valley Pipeline Inquiry in the 1970s, the Deh Cho Treaty Study, instigated by Deh Cho Dene to address their situation of erosion of control over their lands, economy and people, revealed that the anthropological concepts that had been applied to understand their culture were inadequate. Devoting attention to the serious concerns of Dene provided a means of re-evaluating the utility of anthropology's preoccupation with economic and evolutionary models to describe Dene and hunting peoples in general.

Conclusions

There are 2 major conclusions to this examination of Dene treaties and anthropology:

First, the accurate and most complete version of Dene treaties—Treaties 8 and 11—are those held by Dene elders in Dene oral history. This history describes the negotiation of the treaties and the establishment of a relationship between Dene and the Euro-Canadian newcomers that was intended to be based on peace and reciprocal sharing, "like a relation." Dene were to retain control over their economy, land and people, which the treaty relationship was to recognize and honour. In return, Canadian society was to offer medical and other assistance to Dene in times of need, and the treaty was to be discussed, affirmed and celebrated annually. Dene oral history records how this agreement was transgressed repeatedly, and how they see the need for it to be honoured as the basis of their relationship with Canada.

Second, anthropological studies of Dene failed to capture the extent of Dene political organization and their awareness of colonial relations, such that in the 1970s and 1980s when Dene chose to overtly engage Canada through the *Paulette caveat*, the Mackenzie Valley Pipeline Inquiry, comprehensive claims negotiations and talks regarding constitutional reform of the Northwest Territories, anthropological descriptions of Dene were at best inadequate, at worst contradictory. Consequently, it is necessary for anthropology to attend more closely to those aspects of Dene culture which Dene identify as important, such as their colonial relationship, and to seek explanatory models that involve more in-depth analysis of such relationships. By adopting an empirical approach based on the concerns of the people whom anthropologists seek to understand, rather than empiricism directed toward introverted goals of enhancing anthropological theory, anthropology may transcend certain persistent theoretical constructs such as evolutionary models of hunting peoples that fail to explain their aspirations and difficulties with their relationships with the colonial states in which they find themselves.

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Appendix 1. *Treaty No.11* (Canada 1957 [1926])

The following passage is excerpted from *Treaty No. 11* (Canada 1957:5-8). The passage quoted here contains the provisions of the Treaty. Certain sections have been omitted in the interest of brevity: the Commissioner's covering letter, the description of the area covered, and the list of signatories.

TREATY NUMBER ELEVEN

ARTICLES OF A TREATY made and concluded on the several dates mentioned therein in the year of Our Lord One thousand Nine hundred and Twenty-One, between His Most Gracious Majesty George V, King of Great Britain and Ireland and of the British Dominions beyond the Seas, by His Commissioner, Henry Anthony Conroy, Esquire, of the City of Ottawa, of the One Part, and the Slave, Dogrib, Loucheux, Hare and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, hereunto subscribed, of the other part:—

WHEREAS, the Indians inhabiting the territory hereinafter defined have been convened to meet a commissioner representing His Majesty's Government of the Dominion of Canada at certain places in the said territory in the present year of 1921, to deliberate upon certain matters of interest to His Most Gracious Majesty, of the one part, and the said Indians of the other.

AND WHEREAS, the said Indians have been notified and informed by His Majesty's said commissioner that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering, and such other purposes as to His Majesty may seem meet, a tract of country bounded and described as hereinafter set forth, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to expect and receive from His Majesty's bounty and benevolence.

AND WHEREAS, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by His Majesty's Commissioner, to name certain Chiefs and Headmen, who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to His Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several chiefs and Headmen who have subscribed thereto.

AND WHEREAS the said Commissioner has proceeded to negotiate a treaty with the Slave, Dogrib, Loucheux, Hare and other Indians inhabiting the district hereinafter defined and described, which has been agreed upon and concluded by the respective bands at the dates mentioned hereunder, the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion

of Canada, for His Majesty the King and His Successors forever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say: ... [description of territory covered by Treaty 11] ...

AND ALSO, the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in the Yukon Territory, the Northwest Territories or in any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the King and His Successors forever.

AND His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the Country acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

AND His Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same not to exceed in all one square mile for each family of five, or in that proportion for larger or smaller families;

PROVIDED, however, that His Majesty reserves the right to deal with any settlers within the boundaries of any lands reserved for any band as He may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by His Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

It is further agreed between His Majesty and His Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by His Majesty's Government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And in order to show the satisfaction of His Majesty with the behaviour and good conduct of His Indian subjects, and in extinguishment of all their past claims hereinabove mentioned, He hereby, through his Commissioner, agrees to give to each Chief a present of thirty-two dollars in cash, to each Headman, twenty-two dollars, and to every other Indian of whatever age of the families represented, at the time and place of payment, twelve dollars.

HIS MAJESTY, also agrees that during the coming year, and annually thereafter, He will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, to each Chief twenty-five dollars, to each Headman fifteen dollars, and to every other Indian of

whatever age five dollars, to be paid only to heads of families for the members thereof, it being provided for the purposes of this Treaty that each band having at least thirty members may have a Chief, and that in addition to a Chief, each band may have Councillors or Headmen in proportion of two to each two hundred members of the band.

FURTHER, His Majesty agrees that each Chief shall receive once and for all a silver medal, a suitable flag and a copy of this Treaty for the use of his band; and during the coming year, and every third year thereafter, each Chief and Headman shall receive a suitable suit of clothing.

FURTHER, His Majesty agrees to pay the salaries of teachers to instruct the children of said Indians in such a manner as His Majesty's Government may deem advisable.

FURTHER, His Majesty agrees to supply once and for all to each Chief of a band that selects a reserve, ten axes, five hand-saws, five augers, one grind-stone, and the necessary files and whetstones for the use of the band.

FURTHER, His Majesty agrees that, each band shall receive once and for all equipment for hunting, fishing and trapping to the value of fifty dollars for each family of such band, and that there shall be distributed annually among the Indians equipment, such as twine for nets, ammunition and trapping to the value of three dollars per head for each Indian who continues to follow the vocation of hunting, fishing and trapping.

FURTHER, His Majesty agrees that, in the event of any of the Indians aforesaid being desirous of following agricultural pursuits, such Indians shall receive such assistance as is deemed necessary for that purpose.

AND the undersigned Slave, Dogrib, Loucheux, Hare and other Chiefs and Headmen, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly promise and engage to strictly observe this Treaty, and also to conduct and behave themselves as good loyal subjects of His Majesty the King.

THEY promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace between themselves and others of His Majesty's subjects, whether Indians, half-breeds or whites, now inhabiting and hereafter to inhabit any part of the said ceded territory; that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district our country, or interfere with, or trouble any person passing or travelling through the said tract or any part thereof, and that they will assist the officers of His Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the law in force in the country so ceded.

IN WITNESS WHEREOF, His Majesty's said Commissioner and the said Chiefs and Headmen have hereunto set their hands at the places and times set forth in the year herein first above written. ... [signatures follow]...

Appendix 2. Deh Cho Declaration

Declaration of Rights
Deh Cho First Nation

We the Dene of the Deh Cho have lived on our homeland according to our own laws and system of government since time immemorial.

Our homeland is comprised of the ancestral territories and waters of the Deh Cho Dene. We were put here by the Creator as keepers of our waters and lands.

The peace Treaties of 1899 and 1921 with the non-Dene recognize the inherent political rights and powers of the Deh Cho First Nation. Only sovereign peoples can make treaties with each other. Therefore our Aboriginal rights and titles and oral treaties cannot be extinguished by any Euro-Canadian government.

Our laws from the Creator do not allow us to cede, release, surrender of extinguish our inherent rights. The leadership of the Deh Cho upholds the teachings of the elders as the guiding principles of Dene government now and in the future.

Today we reaffirm, assert and exercise our inherent rights and powers to govern ourselves as a nation.

We the Dene of the Deh Cho stand firm behind our First Nation government.

Adopted at the Deh Cho Assembly,
K'agee, August 13, 1993

Appendix 3. Research timeline

Informal timeline

- spring 1992: approached Deh Cho Tribal Council about doing research on governance in conjunction with their work , and they identified a need for treaty research

- 13-17 July 1992: Dene Nation Assembly in Pehdzeh Ki, where Deh Cho treaty research project was introduced.

- Oct 92: meeting of the Deh Cho Tribal Council in Hatlohdehechee where they passed a motion of support for the treaty research project. Four communities expressed interest in participating: Providence, K'agee , Pehdzeh Ki , Liard. Other communities asked to be included during the course of the project.

- Feb. 3-12, 93: accompanied the Grand Chief Gerry Antoine and Community Development coordinator Rene Lamothe to Nahanni Butte, Liard, Liidli Kue and Pehdzeh Ki to introduce the project.

- April 13 – 6 May, 93: Zhati Kue interviews

- 10 May – 21 May, 93: Ahcho Kue interviews

- 22 May – 25 May, 93: Sambaa K'e interviews

- 4 June – 11 + June, 93: Pehdzeh Ki interviews

- 11-18 June, 93: Planning, etc., Liidli Kue

- 12–15 Aug, 93: Deh Cho Assembly #1

- 18-19 Aug, 93: Tthek'edeli interviews

- 21-30 Aug, 93: Planning, etc. Liidli Kue

- 2 Feb.– 8 March, 94: Liidli Kue interviews

- 25 March – 7 April, 94: Hatlohdehechee interviews

- 9 April, 94: Ts'ueh Nda (Ts'ueh Nda) interviews

- 11 April, 94: Kakisa interviews

- 24-25 May, 94: DCTC meeting, Tthek'edeli

- 19–22 July, 94: Deh Cho Assembly #2

- 17-24 Feb, 95: Pehdzeh Ki , Hatlohdehechee , Providence: discussing Treaty research w. leaders.

- 10–14 July, 95: Deh Cho Assembly #3

Appendix 4. Interview guide

[Consent to be interviewed: Explain research and ask for consent and, if affirmative, make appointment to return.]

1. INTRODUCTION: What is your: name, age, parents' names (including maiden name); Where were you born? Who are you married to? Who are your children? When did you live here and for how long? (if relevant)

2. TREATY 11 – GENERAL:
   - Were you at the first Treaty or did you hear about it from someone else?
   - Can you tell us about the first Treaty (1921/1922 in Ahcho Kue)?
   - What do you understand about the Treaty and what was given to us, and what we had to give up (or agree to)?

   TREATY 11 – SPECIFIC:
   - Was anything said at the first Treaty about land?
   - Was anything said about hunting, fishing and trapping rights?
   - Was anything said about how the Dene would be bossed or governed? (or about people continuing to decide as they had done before?)

3. TREATY – NEGOTIATION AND SIGNING:
   - Who was at the Treaty negotiations?
   - What did the people negotiating the Treaty do and say?
     - the Commissioner
     - the Bishop
     - the translators
     - the Chief and councilors
     - any others who were there?
   - Where is the Treaty (the document/paper)?

4. TRANSLATION:
   - Was there a translator, and if so, what was his name?
   - Did the translator translate everything? Accurately?
   - How important was the translation?
   - At that time, what language(s) did you and your family speak? What about others at the Treaty signing, such as the Chief, councilors, government people, Bishop, etc.?

5. - Do you think people were pressured to sign the Treaty? If so, by who?

6. TREATY PAYMENT:
   - Did they give money or anything else when the Treaty was signed? If money, how much?
   - Did this change later?

7. TREATY PROMISES:
   - Were there things said in the first Treaty that you feel weren't followed?

8. BEFORE THE TREATY WAS SIGNED:
   - Were the people together before the Treaty was signed? How often did they meet?
   - Who made decisions about what to do then? (such as where to go, policing, marriages, etc.)

- How were leaders chosen, before the Treaty?
- Did elders help to choose leaders, or what was the role of elders and leaders?

9. - Were you ever interviewed about the Treaty before? If so, when and by who/for what project?

10. - Can you suggest anyone else to interview, who might also know about the Treaty?

11. *IS THERE ANYTHING ELSE YOU WOULD LIKE TO SAY ABOUT THE TREATY?

12. *(If they haven't already said this): Do you think the Dene should hold on to the Treaty, or let it go?

13. *<u>CONSENT:</u>
- Do you give your consent for this interview to be put in writing? It will be used for research and work on the Treaty, beyond the band (at the regional level).
- Is this okay? (consent)

Appendix 5. Sample Interviews

1. **Ted Landry, Zhati Kue 1993**
2. **Edward Jumbo, Samban K'e 1993**
3. **Paul Ekenale, Pehdzeh Ki 1993**
4. **Leo Norwegian, Liidli Kue 1993**
5. **Daniel Sonfrere, Hatlohdehechee 1994**

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1. Ted Landry, Zhati Kue1993

Interview Ted Landry

Interviewed April 23, 1993
Zhati Kue

Interpreting and Translation Berna Landry
April 26, 1993
Zhati Kue

Transcription Shirleen Smith
April 27, 1993

[general history of elder]

Berna Landry: When did you first hear about the Treaty?

Ted Landry: My father told me stories about that first Treaty. People gathered here back in 1921. At that gathering, Paul Lefoine was chosen to be Chief. In his Dene name, they called him Dashómetai. When the first Treaty came, my father said, everybody gathered here for a meeting. At first, he [Paul Lefoine] wouldn't accept the money, because we were going to end up in a mess. Later, they [government/white people] are going to really bother us — things like, they'll bother us for land. They had meetings for 4 days. The Bishop was there. Mercier Bernard was his name, I think. Towards the end, the Bishop was talking, and he said "if you accept the money, you are going to have a good life". So, he kept saying that, "As long as you live on this land, you will not suffer. With that Treaty, you're going to be recognized." The Bishop kept saying that.

So, I guess they thought that because Bishop is working for God, he is right. The Bishop kept saying, "as long as the river flows and the sun rises, things will remain the same. Everything will remain the same if you sign the Treaty."

But right now, nothing is happening to the land—the river is still flowing and the sun rises. How come they're bothering us for land? I feel that things shouldn't change because the river is still flowing and the sun still rises. The Treaty was signed as a mark that we exist. As long as there is Treaty, we are holding on to our Treaty. I think it is good that we talk about this Treaty.

Other people talked to me about the Treaty. Archie Minoza's grandfather, Paul Minoza, spoke to me about the Treaty; and another one is Jean Marie Punch—his wife was my aunt Marie—he also talked to me about Treaty. They talk about Mattel, the guy that was there, and another man that was around that time, Philip Simba from across K'agee . He also talked to me about Treaty.

Berna: According to your father's stories, was there a translation?

Ted: Yes, when the first Treaty was signed, Victor Lafferty was the translator.

Berna: At the time of the Treaty, what languages did they use for translations?

Ted: They talked in English at that time, but Victor Lafferty spoke the Dene language, English and French. According to my father, I think it was English. That piece of paper—the Treaty—is lost, they say, but I don't think so. The way I see it, at one time we went to a meeting in Manitoba. I saw that paper. So I think when they say that the Treaty was lost, I don't think so. I've seen that paper. It was over there in Manitoba. To me, they are lying that our paper is [lost]. If they ask about the Treaty, how come that Treaty was lost? But then, how come I saw it in Manitoba, at a meeting? The guy that was there was Bob[Minias?], and another —Allen, I forget his last name, but he was an Indian Agent. Bob Minias was a teacher. I remember we were going to a school and they showed us that paper. How come we don't have a copy of that?

Towards the end, our people are going to be pitiful. I guess at that time [1921] they gave the Chief a big medal. "With that, if you have nothing, and you want stuff from the store, you can show them that and they will give you the stuff you want." Mattel Canadien was the last one that had the medal, and after that, we didn't see it [again]. It would be good if we still had that medal. From what I hear my parents say, the last chief was pretty upset at one time and he threw it in the river.

Berna: At the first signing of the Treaty, who were all at the table?

Ted: There was a lot of people. The Treaty took place by the mission, by the priest's house. That's where they had a big tent, and had a meeting. I worked with a lot of Treaties. I remember because, as a young boy, a lot of times we came here to collect five dollars, and they always had a meeting first before they paid out the money. Yes, I saw it. We used to have a meeting once a year. Today, it's not like that, ever since the white man has lived with us, every day asking for a meeting. I wonder sometimes, why did we sign that Treaty, if they're not going to keep their word?

I also went to a meeting in Fort Smith, and they talked about Mackenzie King, [Alexander Mackenzie], who found the river. But to me, that's not right. Jamoja was the one who protected the people, according to Dene legends. He protected the people from danger, because the legends say there was the three beavers, and he hunted them down way towards Sahtu region. He killed the three beavers around the Fort Norman area, and they say the fat is still burning. I guess he was a big man — Jamoja was a big man. He must have been some kind of a giant. If you look around the mountains in the Fort Norman area, there's three beaver pelts on the rock. I don't think the river should be called Mackenzie: it's none of his business. I was telling this story to the people at a meeting in Fort Smith.

Berna: At the first signing of the Treaty, what were they talking about?

Ted: My father was saying that the white man that was sitting at the table at the first Treaty, they called him Caribou Tail, because he had a little beard. They talked about the future — what's going to happen — at that meeting. Everybody kept talking about how our people are going to end up in the future. They discussed what was going to happen to the people, for four days. So, really, the Bishop was sort of an influence. The Bishop was backing up the commissioner—the white man at the table. They kept reminding them [the people] they're going to have a good life if they accept that money.

Berna: Did the people say anything about self-government?

Ted: No, but they mentioned you could do what you want — live the way you want— but that was not true. Because at that time, they had a big boat that came in to bring supplies —food supplies. They [the government/Bishop] told them [the people] that if they need food or anything, it will be carried by boat and they could take food. But what happened back then was that boat came every summer, but they never gave us any food or any kind of supplies: there was nothing. So, with that too, they fooled us, they lied to us.

As Dene people, when we were in the mission, we didn't have to pay for our medicine. That is okay, I guess, but nowadays everybody had to work to get by. When I was a young man, I started working out on the land, learning to trap. When I was 9 years old, I started. I trapped and worked hard when we were out on the land, until I was about 17. That's when I left my parents to live on my own. Nowadays you have to have a job. Sometimes I think about it, our people who are living here, all the young men don't have jobs. Young guys don't have good paying jobs. It's the other people that have jobs. To me, this is not right. Our own people should be working for us. We have people that have gone out for some kind of training, but they don't have a good job. We need more of our young people to be trained and to work for our people. I think hard about this, about our young people.

Berna: Back to the Treaty, do you think they had good translations back then?

Ted: Yes. Victor Lafferty was raised as a Dene, so he spoke pretty good Dene language, or Slavey. Back then, all the Métis people were raised as Dene people, and they spoke the language well. Growing up, I remember seeing them speaking our language. So, according to my father, he was a good translator. He was a good translator in English and our Native language.

Berna: Where were the people at the first signing of the Treaty?

Ted: Everybody was out on the land, but if there was going to be cash payments made, everybody gathered here in Providence. This point we call Providence was just full of spruce trees. People put up their tipis here, and it was sort of in the bush. I guess every year people took so many trees down. As time went on, we had a great big field.

Berna: Did they receive anything other than the cash payment?

Ted: No. According to my dad, they first gave us 12 dollars each, and then the next summer, they knocked it down to 5 dollars. So, by right, we should get 12 dollars every year. That's what happened: they took 7 dollars back, and then they started paying people 5 dollars. They used to give them 12 dollars per person.

Berna: At that time, did people know the value of money, or had they ever seen money?

Ted: Yes, there was money around, but we hardly ever saw money. Sometime we saw 5 dollars here or there, because we didn't really depend on money. Those people that didn't know about money used to leave it at the trading post. They bought whatever they needed and the trading post kept track of their money on paper for them. That's how people started getting to know money. At that time, when people traded furs, they got one dollar for 3 beavers. We didn't really know money until the Treaty. I still remember that fur trading as a child. I remember when the Treaty took place, they used to knock down the prices — sort of a sale at the store— everything went down, they had a big sale. If you bought food at the Hudson Bay Company, everything went down: 3 pounds of lard was 75 cents, 10 pounds sugar was 2 dollars and 40 cents. At that time, when they had Treaty payments, everything went down. At that time, people bought all the things they needed on Treaty day.

Usually on a Treaty day, they got a whole bunch of food, like flour, sugar, tea for a feast. After the feast, they had a big drum dance. Just recently, when Philip Simba was Chief, it was still like that. Back then, too, they had ration from the RCMP. They handed out flour, sugar, tea, some ration rice. They gave out stuff like that. At that time, too, when we had Treaty day, we had a big feast and drum dances. People had lots of fun. They would dance all night. There was no alcohol involved. Today, with our Treaty payments, it doesn't seem important anymore.

I guess when the first Treaty was signed, there was lots of people. There were people from up the river, people from Horn river, and further down too, there were people living down, that used to come all the way up to Zhati Kue. There was a lot of tents.

I guess back then too, we had a big flu. It was really horrible because people were dying all over the place. The RCMP —when people came to town, they told people to go back to their camps. At that time, we lost a lot of elders, and some children.

Berna: At the first Treaty, who were the councilors with Paul Lefoine?

Ted: Across from Kakisa, Philip Simba's dad. And there's another man, he was sort of a medicine man, but I don't really know his name. My father mentioned those two —people that he mentioned all the time. One from across, and one from Horn River area. Nowadays, we have lots of councilors, but nothing seems to happen. Nowadays, it's hard to talk for people. My dad was already married, so my dad was there at the first Treaty. Archie's grandfather, Paul Minoza, and Jean Marie Punch, they both talked about the first Treaty— they both told me stories about it. They used to tell me stories about that.

I remember going to meetings. Just recently, they started talking to us about land, but that Treaty was not signed for land. And so, elders talk about the land. They used to be really worried about the land—what's going to happen. We never signed the Treaty for land. My dad was worried and concerned every time they talked about land, and when my dad was still alive, he used to say " how come they talk about land? When Treaty was signed, it was not for land". My dad passed away in 1976. The old timers back then used to think about everything. Now it's not like that. People don't think. [...] I remember the elders, Jean Marie Punch and some elders used to gather with my dad and they talked about the land. Even me, sometimes I think about it. I remember when they first started the Indian Brotherhood. I went to meetings — I was a councilor one time. We had a meeting in Fort Rae, I remember, because Vital Bonnetrouge was the chief for us then. Then how come the white man has been bothering us for land, and this land is all been cut up already?

Talking about white man, there's more and more white men living on our land, and the Dene people are nothing for them.

Berna: Paul Lefoine: what kind of a man was he?

Ted: He was a big man. He was pretty mean. They knew things. When he spoke, he had real hard words. Like, every time he spoke, he could knock you over. But he talked straight, and he was loud. Every time he spoke, people listened to him. He was a well respected man. After Paul Lefoine passed away, Philip Simba's father was the chief, and after that it was Mattel Canadien, and then after that it was Paul Minoza. I can remember him. He was a pretty good speaker, too. I remember listening to him speaking, and I remember seeing him.

At every Treaty day, they put up a tent right by the priest's house, and all the people would gather. I remember when I received my 5 dollars alone—not under my dad but alone— they had the Treaty over at the school. We had to have X rays first, before they made payments. But right now, it's not like that. Back then they used to take our chest X rays before they had Treaty payments. Now it's different—they don't even have meetings or anything, and then they give out the cash payment.

At the first signing of the Treaty—I remember the elders talking about it—somebody — they think it's the Bishop—took a pencil and put it in his [the Chief's] hand, and was holding his hand when he signed the paper. He didn't take the pencil on his own. They said he didn't take that pencil and sign it himself, the Bishop was holding his hand. I remember our elders talking, I remember hearing them talk about this. I always think about things in life. We have elders that can maybe still help us try to remember.

Berna: Back then, do you think the people understood the Treaty?

Ted: Yes, they said, "As long as the land is here, we will not bother you again". That's when they said "As long as the river flows and the sun rises, we will live here". When the Treaty was signed, it was a symbol that we're going to be recognized as people, and we do what we want on the land. But, I feel it's not happening now, so I feel this interview is very important. Right from the beginning, they lied to us, because at the first Treaty, they gave us 12 dollars and after that they knocked it down to 5. As long as the Treaty is there, we cannot let go of that Treaty, and we cannot let go of the money. So, what are they bothering us for? I guess eventually, they are going to make us pay for our medicine, maybe? But according to what was said at the first Treaty, it wasn't like that.

Berna: How did they choose the elders [leaders?]

Ted: That's what they told us, that we have to have a chief. With a leader, things are going to be good. The people got together ... everybody agreed that Paul would be the chief. That's how he became the leader at that time. He was a very strong speaker. He was scared of nothing — he wasn't scared of anybody. He was a strong speaker. I guess that's why they had a meeting for 4 days — because they couldn't convince him. The Bishop had to do a lot of talking to convince them that once they accepted the money, they would have a good life. I have heard all this through my elders.

Berna: Is this all you heard about the first Treaty?

Ted: Yes, this is all I heard.

Berna: Can we have your permission to put this on paper?

Ted: Yes, it is okay with me. If you do that, it will be good to have. Just a last few words that refer to Treaty— I feel we don't have that piece of paper that was signed back in 1921, but with this interview, it will help — that Treaty did take place. Something will be on paper, our story, the way we heard it, of our people.

Just to go back to the Treaty, the actual paper, our people were always out on the land, were always out in the bush. The priests that were living here, they could keep things for us. So I guess that paper was handed to the priest — the Bishop— so they could keep it for us. Because the people who were out on the land might lose the paper, they left it with the Bishop. So today, I see it as a lie — there's got to be a copy somewhere of our Treaty that was signed back in 1921. I remember my father talking about that paper and how we never saw it again.

Paul Lefoine was a very strong speaker. According to my father, he really questioned the white man sitting at the table about what was going to happen to our people in the future. What they said back then meant nothing, because there's nothing on paper. I remember back in about 1939, we did what we wanted. Nobody was our boss. We were out on the land and did what we wanted. Now it's not like that — now, everything is run by the white man. Like, if you talk about houses, there's different organizations —you have to go see the housing [association]. Many things like that are set up by the white people, not by us. It was really [good] when people started moving to Providence. It sounded really good because everybody was going to get housing. And then they said, when people first started moving in, you're going to pay 2 dollars a month. As the years went by, every year the rent went up. Now it's getting to the point that the more money you make, the more rent you pay. You have to pay for your lights, your water, everything. So everything I'm saying now, it wasn't like that when we were out on the land. Back then, what they said was that you're going to live on the land, and you do what you want. But it didn't turn out that way. They sort of lied to us. So, I feel that our Treaty wasn't followed.

Berna: Do you want to add anything more?

Ted: What I was saying ... a long time ago here on our land, in the _____(?), in the NWT, you never ever hear of any animals being sick. Ever since we had a wildlife officer, they started bothering and testing the animals. You can see it on TV. They do buffalo studies, they do caribou studies. Back then, I remember, there's how many years that we never ever heard of animals being sick. Why are they bothering the animals now? A lot of times we used to live on moose and caribou, and never ever hear of killing a sick animal. We never did. Nature looks after itself. Until just recently, when they started testing animals. To me, it's not right. We should let them be. I often think of these things. Ever since the white man started living among us, there's all kinds of sickness. And now, they're moving on the animals. They shouldn't give them needles and do tests on them. It's not right. I remember, I was a young man about 1939, and there was hardly any sickness. Everybody was on the land where there was no sickness. It's getting confusing — since they started testing animals, we Native people are beginning to be scared to eat wild meat. I guess they are saying that because they want us to buy from the stores. It's just a money matter again. That's how I think about these things.

Berna: This is all the questions we have for you. Thank you very much Ted, and we'll put all of this on paper. Thank you.

END OF TRANSLATION.

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2. Edward Jumbo, Sambaa K'e 1993

Interview Edward Jumbo

Interviewed May 24, 1993
Sambaa K'e

Interpreting and Translation Tom Kotchea
May 24, 1993
Ahcho Kue

Transcription Shirleen Smith
May 25, 1993

Tom Kotchea: [speaking in Slavey]

Edward Jumbo: [speaking in Slavey]

Tom: He said, a while ago, even before he was born, the Treaty was going on but they heard about it later on. His grandfather told him about the story. Also, now we can't just let it go, because if we do, if we have to go to the hospital, we might pay out of our own pocket and it would be hard for people. Also we won't let it go—our old people get hold of this Treaty 11. We can't let it go because we just want to stay with it.

Shirleen Smith: Does he know—did his grandfather tell him—what the Treaty agreement was about. When they negotiated the Treaty, what did they negotiate—what was the Treaty about?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said, a long time ago when the Treaty was going to come in, a lot of people said no, because maybe they would take over all their country and everything. Also, he might take the land away from you, but later on they talked to one of the priests who went around to the people and said they won't take anything away from you. They just want Treaty—he will give you things for free. Also, a medicine man had a dream about it and said it should be okay, and so they hold Treaty 11 at that time. So the second time they asked people, they said okay, so we got Treaty 11 in 1921. From then on until now, he said. Lots of people want to give up on Treaty 11, but we wouldn't do that—want to keep on going until the end of the world, he said.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said we can't let go because it we do that it will probably be kind of hard for us, because if we have to go to the hospital, we will have to pay our way, and whatever and the old folks. The only way they can count us is by Treaty money—how many Treaty people live yet. The only way they know is by Treaty money, passed around every summer.

Shirleen: So that's why they should keep taking it?

Tom: Yes. They know many white people, and they would like to know how many Native people live yet and how many die, once a year like that maybe. They'd like to know about that. Another reason not to give it up is that it's the only way the government people know us, how many people live yet, is the Treaty (11). How many people die, how many new people coming up, this way they know. If we give up, they won't know how many people live yet. So, nobody wants to give it up.

Shirleen: He said that when they negotiated the Treaty, it wasn't about the land. Was there anything said about other things, like hunting, or government or somebody else coming in to tell Dene what to do, where to go? Was there anything said about that—any stories about that?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Also, they put a borderline right around Sambaa K'e, to the north and west and east,a big line, so everybody can go under [within] the line, trapping in all directions, but we trap inside where we marked. This was going to happen when Treaty 11 started, a while ago. They were going to keep on holding this. They don't want to let this go, he said. Because we don't want anybody else to come in past that line, white people to hunt here. This is our area. Sambaa K'e band would like to on inside this land.

Shirleen: Kind of a hunting reserve?

Tom: Yes—a hunting area, a whole big area circled around the Sambaa K'e area.

Shirleen: Just for Dene use, for Sambaa K'e Dene?

Tom: Yes, for Dene only. And the Liard Band the other side, the same thing. And Simpson Band, the same thing. And probably bands on the other side, too. People know how far you're supposed to go, here. And Liard, same thing, they know how far you should go. So we'd like to hold on to this one.

Shirleen: That was with the Treaty?

Tom: Yes, in the Treaty.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said that meeting with people—he used to be chief long a time ago— he said he talked about this, tob. And they wanted one line by one person here, but they don't want it—they want one big circle and they would trap inside it, for everybody. In

that way, who has a line that they use, they know, so we told each other where we are going to go, what area we are going to trap, and we know each other. So this way, we don't need registered lines, like that. Because people who have a registered line, they use it for their own use, eh, and the other way around, somebody else can maybe use some part between them, somebody else can squeeze in, white people, whatever. Here we don't want that, we just want one big group.

Shirleen: A group area rather than individual registered lines?

Tom: Yes. This way, we'd like to do the same way. So we don't want to give up on the Treaty, we'd like to hold on.

Shirleen: To control your own area yourself?

Tom: Yes, control our area.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said, Joe will tell you that he came here in 1946 from Zhati Kue. He always tells white people that come in, "I started before there was people here and did this and that and everything, and it's my fault that there are people here", but it's not true. It started before that, he said, but Joe just came in, but he says it's my fault it's just growing more and more all the time. But it's not true, people come from different places. It's not the reason, we don't want him to go around telling people like you, to give more stories about himself. It's not true, he said.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Even though at one time there was a meeting, only Joe was here at that time, they wanted to make a park here like Nahanni Park. Joe said okay, make a park a park from here down to the Paradise River (on the east side of the lake, just past Sambaa K'e Lodge). He said make a big circle around for the park, and when Edward came back, this guy was still here and told him we will make a park for the place here, and that Sambaa K'e has to have one park, and then Nahanni, like that... [?So they said they want to have a park around there, for the government]. And Edward said "No, you can't do that." Later on, he said he went down to a meeting again, and he talked to the people and they said we don't want no park in Sambaa K'e. So, they erased it off, he said. So no park since. And also now all the old people get the pension cheque now, but at that time, nothing. It just started lately—before, no pension cheque, nothing. They had a hard time to live here and get a little bit of stuff before winter time, and packing in, and just got enough food for winter. So, they used to live on trapping, on the land, on fishing, like that.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Long time ago, people used to make dry meat, dry fish and everything, he said, and take it down the Trout River to the Mackenzie River by boat—by birchbark canoe that they made. They would take it down to Liidli Kue , to the Hudson Bay at that time, give it to them and have a big feast, for the winter, like. After they did that, they used to buy a whole bunch of stuff with dry food, tea, tobacco like that, and used to take it

back for winter.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: They used to take the boat down by Trout River, down to Mackenzie, and pack around Trout River falls, to Mackenzie River down to Liidli Kue , in 12 days.

Shirleen: Was this in his grandfather's time?

Tom: Yes, grandfather's time. But even before that ...in '67 [speaking in Slavey]

Edward: Yes.

Tom: In 1967, they still packed in to Ahcho Kue. It would take them about 5 or 6 days one way, and they would stay for about a month to visit and come back, once a year. [speaking in Slavey]. Ahcho Kue is closer, but if you go to Liidli Kue , he said, you have to go to the north end of the lake and then go on the Moose River, and from there 12 days to make a trip down, and visit there. And take about 6 days on the way back too. He said it was a pretty hard time, but now you can go ...

Shirleen: in one hour...

Edward: [speaking in Slavey]

Tom: Now with a plane it takes no time but costs lost.

Edward: [speaking in Slavey]

Tom: It used to take about 6 days breaking trail just to go from here to Ahcho Kue. Six days one way, breaking trail, and 4 days on the way back, with dog team. [turning tape] With dog team, it took 3 hours just to cross the lake. [speaking in Slavey]

Shirleen: You didn't have to buy gas, though.

Tom: Yes but you have to use lots of food, you have to take extra dog food. I remember they used to do that — cache some fish on the way to Ahcho Kue...[speaking in Slavey] they used to do that—cache some fish on the way out so they can use them on the way back.

Shirleen: And they'd just leave it — cache it?

Tom: Leave it, cache it in the trees.

Shirleen: Fuel stop...Where did they go to sign the Treaty?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Yes, he said we used to be with Liard Band before, but the government gave us some money once a year, something to work on it, you work with it and get a little bit of pay on it. Sometimes they gave the money to Liard and it used to stay there a long

time before we'd get it here, slow, sometimes no plane. Hard times, so we started our band here too, so now it comes straight to our band so it goes faster now. It used to be a really hard time before, he said.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Yes, it used to be a really hard time. If you need something, you have to go out yourself by dog team, or you walked. To get stuff, Ahcho Kue is closer, and not many creeks, too. If you go to Liidli Kue , you have to pass the Liard River and it's a long way.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: They used to go to Liard most of the time, because if you go to Liidli Kue , it's mostly muskeg and swamp ... too much water, and hard to walk. And also Angelique Lomen and [?Pere] used to live down by the Liard River and they got boat there and a couple of motors, and one of them had to go with them to go down there and they used to hire him to go down to Liidli Kue to get some groceries. The other way around, you can't go because to Liard is on this side of the Big River, so you got no problem to go to Ahcho Kue, and on nice high ground too. So they used to do that a long time ago.
So, another reason, we still don't want to give up on Treaty 11. We want to keep on.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said, his dad is old now, but his dad and his grandpa used to live here for years after years, he said. Some people say people just moved here lately, but that's not true. People were here...people died off at the north end of the lake, year after year now old people still live together. Old people used to die and the old crosses went down, and people still live here, he said. Some people said that Sambaa K'e started just lately, but that's not true. [People were here] year after year, he said. People are buried all around the lake—Sambaa K'e.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said there used to be a settlement across the other side from here, on the east side of the river. I still see some old houses, [?buried/ruins], built of logs, some places like that. I've seen some when I hunt chicken, or moose hunting. All grown up—it it used to be burned, this area. Every time they went to Ahcho Kue in summertime to visit, they used to put everything on Eleven Island here, one of the bigger islands. They used to have two big caches there—they used to put everything there in case a fire came up while they were gone. It happened one time, he said it burned everything down, but they had everything in 2 caches on the island, and nothing happened there. Dog harness—what they used for winter—winter clothes [?...]they used to put it on the island, in case fire came, because at that time they had no "forest fire", nobody looked after fires at that time, but lately, they just started.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: It burned everything down one summer when everybody went to Ahcho Kue, he said.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Just not too long ago, we started up here again.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said they started building in about 1950 here, a few houses. Even, the first time I came here in 1967, that time there was just not many houses.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: 4 or 5 houses, and no airstrip either. The old airstrip right here by the Band [office], there used to be an airstrip there, but that one was built by hand. At that time, nothing. You know where I live, it used to be just big trees, big spruce trees. [speaking in Slavey] Nothing at that time...

Shirleen: So, in 1921 for the Treaty, they went to Ahcho Kue?

Tom: Yes, they go to Ahcho Kue for Treaty.

Shirleen: For that first Treaty?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said the first year they went, they didn't want to accept the Treaty money. They go again next year, so all the people from here too and from Liard area, they get together down there, and the agreement is they can get hold of that Treaty money. So it happened that time.

Shirleen: Oh, so in 1921 they went...

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Yes, it was in '21 that they first had a meeting about it, he said, I think they're going to think about it, he said. The second year they went, and all the people talked about it with each other I guess, and they said okay we can get ahold of that Treaty [?...], in Liard. Sambaa K'e Band ... see, it used to be Liard Band. It's been Sambaa K'e Band for about 10 years now. [speaking in Slavey] Yes, it's been about 10 years that we've had our own band now.

Shirleen: At that first Treaty, was there a chief from here though? Was somebody made chief?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Yes, he said his grandfather here, his dad used to be sub-chief of here at that time.

Shirleen: Oh. What would his name be?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Charlie Tetcho.

Shirleen: From the first Treaty?

Tom: Yes, and for here, sub-chief.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Alfred Thomas's dad used to be chief here at the time. Last name is Thomas anyway, but first name he said he doesn't know. Here Charlie Tetcho used to be the chief. But everybody went down to Ahcho Kue to have a meeting together at that time when the Treaty started.

Shirleen: Did he hear any stories about who else was at that meeting, like the commissioner, the translator, the Bishop, who else was at that meeting?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said he doesn't know [?...] The Treaty...the first year they didn't want it, and the people talked about it and think about it, and come again the second year. So, everybody go from here to Ahcho Kue, they get together, and that time they get ahold of Treaty money. So it would be 1922.
[speaking in Slavey]

Shirleen: Does he remember anything about that meeting—did anyone tell him how long the meeting was or how much money...?

Tom: [speaking in Slavey]

Elder: [speaking in Slavey]

Tom: He said he heard about it. His grandfather told him stories about the first year. They had meetings for the whole summer about that, what's going to happen, people get Treaty money, 5 dollars a year, but later on, maybe about 60 years, like that, they are going to take over all of our land. I think they talked about something like that.

The second year, they come again, and they tell different stories, they won't take you land away from you, they'll just keep track of you, your land, how many people living, and the Treaty, like that.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said they told him stories about they won't take land away, they're just going to help you with hospital bills, and whoever is sick, you can help, and the medicine, it will be free for you guys. So we won't take land away, they tell us that. And later on, everybody said they agree, so the first Treaty 11. That's what his grandpa used to tell him the story about.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said it used to be like that before. He said the Nahendeh region, around this area, everybody come together, the agreement—what they're going to say about Treaty 11, like that. They know all this and if they tell him this, everybody will be saying about the same, yet. I don't think it will be changed, he said. He said we talked about this before in Nahendeh region—we had meetings before—and we don't want to give up on this. But they still think the same way, yet, he said, about our Treaty 11.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Which one's the Native people's, Treaty 11 or Treaty 8?

Shirleen: Which one? The Territories, this part, is Treaty 11... [change tape]

Edward: [speaking in Slavey]

Tom: Yes, they had a meeting about that a while ago down in Yellowknife, and everybody wanted to keep on going with Treaty 11. Some people from Fort McPherson, Fort Franklin, they wanted to give up on that one, but everybody wanted to keep on. But right in the middle of the meeting, those people took off and went home, and so they don't want to keep on going that way. Everybody agrees they're going to stay on with it but they don't like it so they walked out.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said that whoever gets the money for Treaty 11, they don't want to keep on with it. If people do that, government won't help you much anymore after this, so if you keep on going with Treaty 11, then they can help you as much as they can, what they helped with before. So they don't want to let it go.

Shirleen: One thing the Tribal Council wanted to know about too, is they're interested in traditional leadership, to see what they could do in the future that would be ... traditional. And they're wondering...the first chiefs were made for the Treaty quite often? But before that, how were leaders chosen to do different things? Does he know anything — did he hear any stories about that?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said, a while ago, two of them used to be leaders for the people here, so they were kind of chiefs because they know everything from before. So they tell them what to do, where we're going to go, where you're going to go hunt, and they would follow. They would meet together. In the fall time, everybody used to split up—say, you want to go this way, you go this way. Even now, even no chief, you do that sometimes.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: They make sure you go hunt in the bush, they make sure you see animals before you shoot, in case you shoot a person—another one can hunt in that area. They used to spread up away too—you go this way and the [?...] people ... there's a line, like. Used trails all over this area. They used to split up in the fall time and they tell what to do and also where you're going to live, what area you're going to stay, and all like that. They used to tell them, so ...[?] each other, you want to see this person from here to there, and they know where they are. All this country, they called different areas—this lake over there different, this lake different—and even some ...they all know, or the small lake, they know. And so they tell them, you go this way, if you want to see these people, and that is where they are [?].
[speaking in Slavey]

Edward: [speaking in Slavey]

Shirleen: How would they select the leader? How would somebody get to be leader?

Tom: He said just people together, you're like in charge, one person, for foreman, and second one [?]... And we used to do that to people a long time, before chief came up. And so they followed these two people. They had meetings together before they split up for trapping, or hunting, or ...

Shirleen: How did they choose those two people?

Tom: They know, just the old people.

Shirleen: Because of what they know?

Tom: The old people know where it's a good place to hunt.

Shirleen: Yes, so everybody would just ...

Tom: ...agree...

Shirleen: ...so they didn't have elections, they just followed that person...

Tom: ...they just followed that person...

Shirleen: ...because they know?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Yes, he said.

Shirleen: Were there other kinds of leaders for other things, like deciding on marriages, or different kinds of things? Were there different kinds of leaders?

Tom: No, he said, there's only 2 person to follow. Every fall and spring and [?] sometime...we used to go for beaver time, go for fall hunt, [?] twice a year.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He says they used to, ... and Charlie, two of them, where they're going to be, where they're going, where they're going to go trap, where they're going to go hunt, and like that. Springtime, falltime, wintertime trapping, they used to follow those two person. When they are sub-chief Ahcho Kue, but then they follow down, so they follow these two people here, because they can't explain too much to go over there and back.
[speaking in Slavey]

Edward: [speaking in Slavey]

Tom: They know each other, where they are going to be, that year in the fall or springtime...

Shirleen: So everybody knew where everybody was going to be?

Tom: So the agreement, so everybody spread out.

Shirleen: Another thing they want to know is if he has ever been interviewed about the Treaty before for any reason, because we want to get all the information all together, so if he was ever interviewed before we'd look for that and try to get it all together?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said that our people used to use this and we don't want to change, we want to keep on going, forward, we don't want to give up. So if you could get things together when you get back down there, he would be agreeable to that.

Shirleen: The other thing is, does he give his consent for this interview to be written down and used by the Tribal Council in their work on the Treaty?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: Yes, that's a really good idea.

Shirleen: Yes, okay. Is there anything else he'd like to say about the Treaty?

Tom: [speaking in Slavey]

Edward: [speaking in Slavey]

Tom: He said some people told him we should just get the land claim money and give up on Treaty, but he said we didn't do that. You have to get hold on this time, and we don't want to give up now because we want to keep on for future time, for the younger ones coming up and taking over, and over. Also some people from the south are coming in for the oil rigs or like that, and we should have oil rigs here too, but we hire some young boys here too, it would be really good. They would not be told to get away or lay around—not much around, eh.
So we don't want to drop the Treaty, we want to keep on.
Mahsi.

Shirleen: Mahsi.

END OF INTERVIEW.

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3. Paul Ekenale, Pehdzeh Ki 1993

Interview Paul Ekenale
Born 1911

Interviewed June 10, 1993
Pehdzeh Ki

Interpreting and Translation Martha Drake
June 11, 1993
Pehdzeh Ki

Transcription Shirleen Smith
June 11, 1993

Martha Drake: Can you tell us the story about the Treaty in 1921—when Treaty payments happened in 1921?

Paul Ekenale: When the first Treaty happened, it did not happen under a tent on the river bank. It took place in the Hudson's Bay manager's house. "We are here to have a Treaty. We are here to pass out Treaty payments", they were told.
"When you pass out money to the people, I wonder what it will be all about."
They were told that "since there will be a lot of white people among you, this Treaty is a peace Treaty, where the white people and the Dene can live together as one relation. And when we pass out Treaty payments, things will be easier for the older folks. The government will be able to help them out. The government will be able to give them things they need."
The government were telling this story to my father. I was 10 years old at that time. I stood behind my father as he was talking to them. My father wondered about

the Treaty and thought that things might be bad for them. He asked, "how will you pass out this Treaty, and what will happen, I wonder?"

"The Treaty is for peace, so that we can all live together in friendship", they were told.

"I don't think so", said my father, "I think in the future, and as time goes on, you will be talking on all sorts of things."

"No, we will not be talking about anything else. We will not make anything difficult for you. This is a peace Treaty so people will be able to live together—the white people and the Dene. This is what the Treaty is all about."

"We cannot take the money. I don't think we will take that Treaty."

They were told, "we are here to have a Treaty, and that is what will happen. As long as you live, you will be receiving Treaty payments. And in the future, when they have doctors and medical care—we do not have doctors now. But in the future when the doctors come, and you people get sick, the government will be able to help you with medication. We will give you medication if you need it."

"Is this what the Treaty is about—about helping the people out and giving them free medication?"

"Yes", they were told, "this is what the Treaty is all about."

"But you are lying. You being white men lie a lot. In the future, I think you will be talking about other things, and keeping us away from certain things."

"No, we will not be talking about other things, and we will not be keeping you away from certain things", they were told. "We want everyone to live like one big relation. And if things turn out really well, we should be living well among each other. This is what the Treaty is all about", they were told.

"No, we will not take that money."

They were told, "But you have to take the Treaty. That is what we are here for."

"No, I think that in the future, how we fish and how we hunt for caribou and trap for beaver and so on, and how we hunt our caribou and moose, in the future I think you will be preventing us from doing these things."

They were told, "No that is not true. You can continue to hunt and live as you do, and we will not be counting anything."

My father said, "No, I think you are lying. In the future—say 10 or 20 years from now—after you have fixed things very good for yourselves, you will be starting to count things and preventing us from doing such things. And if I am still alive when these things happen and you change things, I will be here to talk to you about that."

They were told, "No, I don't think so. The Treaty is for peace only—so we can all live together and help each other out."

My father said, "I don't think so. Eventually you will be preventing us from doing such things, so I don't think we will take the Treaty."

They were told, "That is what the Treaty is about. As long as you live, you shall continue to do as you do now. We are here to pass the Treaty and we are not lying."

My father went on to say, "Being white men, you lie a lot. Eventually as time goes on, you will be talking about the land, how we fish and how we hunt and trap—you will be preventing us from doing these things in the future. We will not be able to do them as we do now."

They were told, "No that is not true. It is a peace Treaty, so the white people and the Dene can live together. This is what the Treaty is all about."

"You are lying. I know you are lying."

The Treaty party went on to say, "No we are not lying. What we are saying is true."

My father went on to say, "In the future, if I am still alive and there comes a time when you start to set regulations and count things, I will remember the person passing out the Treaty payments, I will get back at them and tell them that you have

lied to me, you really lied to me."

"No we are not lying to you. We are telling you the truth, and you can continue to hunt and live as you want. We will not be stopping you or preventing you from certain things."

"I don't think so", my father said. "As time goes on, I think you will be talking about the land and about the rivers." My father went on to say, "This is our land. We are the Dene people living on it. The Lord Jesus put us here upon the earth. What we eat comes from the bush, and what we hunt comes from the bush, and you cannot prevent us from doing that."

The Treaty party said, "You will continue to hunt and live off the land as long as the world lasts, and we will not be preventing you from doing that. And we will not be counting things for you."

My father said, "No, you are lying. Being white men, I know you lie. In the future, as the river flows along now, you will probably be talking about it. How we fish and set our fishnets, you will probably be talking about that. How we hunt our moose and caribou, you will be talking about that."

"No, Moses, we will not be talking on any of those things. This Treaty is for friendship and how we live together in the future. And we are not lying. If I am lying, as long as the sun does not shine backwards and the river does not flow backwards, I am not lying."

And there was the Bishop. The Treaty party had appointed this person and made him a Bishop on their own. He was not a real Bishop—he was just appointed to be one by the Treaty party, or the Bishop was there along with the Treaty party. The Bishop rose from his seat and went over to my father. "Moses", he said, "this Treaty will happen. You will take the Treaty. We are not lying. What we are saying is true."

My father said, "You being the Bishop—and Bishops do not lie—and since you work for God. If things should go your way, and in the future, if you had lied, and if I should see you again, or I see any other priests or Bishops, I will be telling them this story."

The Bishop said, "No, we are not lying. What we are saying is true."

My father said, "If we are to take this Treaty, and you say you are not lying, you say you will not lie as long as the sun doesn't shine backwards and the river doesn't flow backwards. If you are lying, I don't think the sun will ever shine backwards or the river will ever flow backwards. If in fact you are lying, there is nothing we could do about it."

The Treaty party—or the person from the Treaty—did not say anything for a long time. He said, "We are not lying."

There was Treaty happening south of us. That was why the Treaty party were really pressuring us to take the Treaty.

My father said, "If we take the Treaty, and the payments we get now, will we be receiving the same payments forever?"

In the olden days, when the first Treaty happened, everybody got 22 dollars. Even the children got 22 dollars. And those who had big families probably had a lot of Treaty payments coming to them.

My father went on to say, "If you are lying to me, and in the years to come, maybe 5 or 10 years, you will probably be talking about other things."

"No, we will not be talking about other things", they were told.

My father said, "I guess it would be alright if we take the Treaty, from what you say."

And so the Treaty payment was passed out.

At that time, none of the Dene people knew anything about paper work. The only

person that might have known anything about reading and writing was David's father, Nayally, but he was up in the mountains somewhere.

Martha: The priest or Bishop that was with the Treaty party, he was not a real priest or Bishop, was he?

Paul: No, he was not a real priest. The Treaty party just appointed him to be a Bishop to be along with their party.

Martha: Prior to the signing of the Treaty, did the people have such things as a chief?

Paul: No, they did not have chiefs. Prior to the Treaty, the people just had the eldest person in their group as a spokesperson. He advised the people where to go and where to hunt. They always had one of their elders to be their spokesman.

Martha: So only after the Treaty happened, they started to have chiefs?

Paul: Yes. There was going to be Treaty happening. They had the money there. The Treaty party went on to say that they had to appoint a chief. Nobody spoke up, so they asked my dad if he would be the chief. He said "No, I cannot be the chief."

The Treaty party asked him, "Among all these people, you are the only one talking, so you should be chief."

Again he said, "No, I cannot be chief. I am getting old and I do not want to be the chief. And if you want a chief, my in-law Yendo could be the chief."

Yendo was away at this time. He was down the river checking his fishnets with a canoe. It's a long ways away, and all this talk took place in his absence. He did not sign his name on anything, as he was not there. He was appointed the chief in his absence too.

That is all I have to tell you for now.

Martha: Can we have your consent to have this story of yours to be written on paper?

Paul: Yes, that's alright with me.

About 11 years following the Treaty, beaver was one of the first animals to be shut down. We could no longer hunt beavers. We were allowed to get 10 beavers only. This happened while my dad was still alive. While my father was still alive, the government had said that you are allowed only to shoot 10 beaver, and we will make a paper regarding this.

Two years following this, the government shut down the marten hunting, and you were allowed only 10 martens. So the people went out and only could get 10 marten each. They also hunted fox and beaver at that time too.

After that my father said, "The Treaty party told us that they will not do these things, and they are not lying. Well I think they really lied to us."

So he went to talk to Johnny Yendo's father, and told him that the white people were lying after all. "During the Treaty, what was all said, I guess it was all a big lie." My father went on to say, "Where is the person that was passing out the money, and where is the Bishop?"

He was told that the person at the Treaty—the one that was passing out the money—had moved back south, and he had died. I think they were lying to the people about this.

My father told the government people, "I am still alive, and you have shut down the beaver and the marten hunting for us. You have really lied to me about the Treaty."

They really lied to us.
That is all for now. Thank you.

Martha: Thank you.

END OF TRANSLATION.

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4. Leo Norwegian, Liidli Kue 1993

Interview Leo Norwegian

Interviewed August 27, 1993
Liidli Kue

Interpreting and Translation Sally Tsetso
August 27, 1993
Liidli Kue

Transcription Shirleen Smith
August 27, 1993

[Interview conducted in English]

Shirleen Smith: ...whatever you have to say about the Treaty, the first Treaty...

Leo Norwegian: Treaty, I don't know where to start. I wasn't there, but what I gather from my grandfather is:

The Treaty party arrived and they wanted to give out the Treaty right off the bat. They said they'll give you money and whatever you want, and they [the people] want to know why. It had been explained to them about who is paying out the Treaty—I think it's Conroy, his name—and he used the Bishop Breynat to do most of the talking because the people knew Bishop Breynat well. He's also talking their language. He done most of the talking, he said "We're not buying anything out of you. You see, you Native_", (when we don't see each other, only see them, well the Native they used to get together once a year, in the summer), "that's what we're going to do too." Every time the Native, they get together, they exchange gifts, to keep the friendship and make sure about that. "So that's what we're going to do. We give five dollars to each person, every year, and flour or sugar or whatever you need—we'll give you that—to be working with you people. We're just newcomers."

Some people agreed and some people disagreed with it, because there's something behind that. So my grandfather—my grandfather was Johnny Norwegian—, and Old Antoine—he was the first Chief—, and Metsatia, the three of them were leaders at the time. They're not the Chief, they're just before Treaty was, they always had a leader. They wanted to know exactly what was behind all that, and the land was the main question. So they [the Treaty party] said "We'll use your land just like you do. Right now, what you're doing, in the past: you make friends with each other and we can use the land anywhere. This is what this is all about."

All these three days of meetings and negotiations, the land had never been mentioned, never been bought or been buying it. We exchanged gifts, for friendship. Every year we're going to be doing that. And later on they're supposed to talk about that again. Every year we're going to talk about it—which never took place. Well, they paid out the Treaty, and they tell them what's the law about this, and do not shoot ducks or stuff like that, but I guess the Native, they want to know if you're going to work among us, what do you want done? Well they say, "If we want to trap, if the white man wants to trap, he's got to have a paper. Not like you—if you

want to go out and shoot ducks any time you want, it's your own land. This still is your land, and you are the boss of the land. If you don't like what we do, tell us.

But it was never written down. They wanted to write it down and all that. Old Metsatia told them that "You already said: As long as the sun rises in the east, and the sun sets in the west and the river flows and the grass grows, that's the witness that we got. If that changes, then we'll change what we said now." They all agreed on that. Native, they never write down anything when they make a deal with somebody. What you say, you're supposed to do *exactly* what you say. To lie to another human being is the worst crime. They even kill one another for that. It's the worst crime you can imagine. If they caught somebody in a lie, he got a severe punishment for that. So they believed in that, and they figured the white people are doing the same thing. What the white man say, well that's a deal. Later on, they started changing. Every year, once in a while, they come around and said "This is the way it's going to be." Slowly they work their way into it and on it and said "We're your boss." That's what happened, and then my dad died. He talked about that a lot.

So there never was really a deal made where we turned the land over to somebody else. As far as I myself am concerned, the land belongs to me and I belong to the land. That's the way we've been taught by the Native. When we're teaching the kids, from when they're very small, from when they first start talking, every day, your mom and dad talk, telling you how to obey, how to have respect for one another, how to share life, and they teach you. By the time you get on your own, you're supposed to know everything, and you don't need a policeman, or you don't need a game warden, you don't need a priest to scare you—you know everything. You're everything. You pray the way you want, but living right. No lie. That's the biggest thing. I've been told time after time, don't lie. And until I got into a business and I wanted to borrow money, I had to lie. You know, I learned that not from a Native—not from my grandfather _ (laughs). Nowadays, you have to lie to survive. But anyway, that's the way the Native believe it. If you said, "Well, I'll meet you again next year, and maybe we'll eat together or go out picnic or go camping", I expect you to do that. And if you didn't do it, well, you'll know you lied to me. So, that's the way it is with the Native.

That's the way it was. They believed in the people. They said Bishop Breynat is working for the Creator, and the people said they come from the Queen, and they can't lie. The policeman was there and he's supposed to keep the law. In Slavey we call the police "Ethiti"—a man with a true word—a person with a true word. And all these people, what they say, and completely upset from_ They started coming out and saying, "You already gave up your land for 5 dollars". Well, there's no human being in their right mind would give up their land for 5 dollars. If at that time we spoke, "This is for your land; we're buying land", there's *no way* they would have made a deal. Those people, they're not that stupid.

Not very many people had education or spoke English. It was all through interpreters, eh. What kind of a deal the old people made, I believe in what was said then, what deal they made. What little they know, I think they did do it pretty good.

That's why a couple of years ago, we had a Treaty convention in Edmonton. The Treaty people from all over North America, we met there—about 16 or 17 hundred people. I think there was over 500 chiefs alone. And every one of them say the same thing—this is from Treaty 1 to Treaty 11, right across, even Mohawk people were there, what kind of deal. Some people from Prince Edward Island and Newfoundland, they came in—descendants from the Native over there, they came in to the meeting. I don't think they came direct from Prince Edward Island, but Nova Scotia, New Brunswick, and all the provinces. Each one of them say the same thing. They used Catholic priests. Every one of them, they used Catholic priests. To me, why don't they come out straight and say, "This is what happened." But

they're trying to say that they bought the land.

When I was a kid, my grandfather—they talk about it. Whenever people come around they always talked about this Treaty. Some people didn't know—they were not in the community when it happened. They want to know exactly what was said, and my grandfather repeated it time after time after time. And my grandfather, I don't think he ever lied in his life, because he's telling people the truth exactly how he understood. At the Treaty time, he was there. So he gave information to the people. He said some people were starting to worry because later on they were changing. They said, well, government is boss of the land.

When I was a kid, my dad was involved in the Band Council. Old man Cli was the Chief, and Francis Tonka and my dad were sub-chiefs, one from down-river and one from up-river. They talked about many things. What was said is that at the time of the Treaty, later on different people came in—different Indian Agents came in and they said "The government wants it this way." And they went along with it. You know, Natives are always easy-going, so it must be true.

Finally, it was getting so bad, that was when the Indian Brotherhood was formed. They started off, they were going to look at that and see what's going on. So they started putting people together and gathering information from different people. This is what the Indian Brotherhood is all about and started. That got all out of hand when it turned to the Dene Nation. The whole thing is —Delta got involved, and Sahtu and Dogribs and South Slave and Deh Cho. People got different ideas of it. Some people got greedy, just "We'll settle land claims." Land claim, I think is another thing. *Not* the way government packages are put together, because you go through there and no person in their right mind will take that. That's why we said, Deh Cho said no. It's got to be completely changed. I think we should put the package together and then give it to the government, *not* given to us. You know, this is the way we want to deal with you and that's it. I think that's the way we should go. They come from the government, they come from lawyers—really sharp lawyers put together. [?] you have to corner every one of them—some of them just say so much and just dead end. You find someplace else the other piece. If you sign that, you already signed this. Well, this is what it is. It's a kind of a deal. There's a trap there.

Shirleen: Do you remember what your grandfather told people when they asked him what the Treaty was about?

Leo: Well, they asked him, he said: "All it is, they're giving us 5 dollars a year, that's just a handshake. Each year, handshake and friendship. We keep peace between us. That's why they're giving that stuff for." That's the way he understood. He didn't think we sold anything. Lots of people asked him, "What about the land?" And he said, "The land never been questioned. The land, as long as the sun rises and the river flows and the grass grows, you do what you want. This is your land. You can hunt, fish, do what you want. This is your land." So as far as Dene are concerned, this is our land, and the white people can trap among us and hunt and build houses but we should end on that already. Give us 5 dollars a year, that's a gift. They don't [have the right] to walk all over us. That's the way I understood. There's no way on the earth, he didn't believe that they surrendered anything. We just made peace with another nation, and that's the way it was. That's the way they understood. That's the way old Metsatia and Old Antoine —I don't know Old Antoine too much—but old Metsatia and my grandfather I remember got together and they talked about that with a bunch of elders and a bunch of people and this is the way they explained to them. They both talked to the people, so the people were happy because we didn't give up anything or we didn't sell our land. We carry on doing what we were doing

before white man came is our business. We governed ourselves for thousands of years and we carry on doing that. But these white people—"the newcomers", they called them—the newcomers are going to be among us, and they can trap, they can do what they want, they can hunt moose, they can fish. No problem. That's the way he explained to the people.

Shirleen: Did he talk about the actual meeting?

Leo: Pardon?

Shirleen: Did he talk about the meeting, the negotiation, with the commissioner and the Bishop, what actually happened over those days?

Leo: Well, I don't think there was much negotiation. They just told them that just what I told you. "We'll give them 5 dollars a year and ammunition and whatever you want." And said "We want to use your land. We want to be among you and we'll be one of you. We'll be a friend. That's what the money is for." That's the way they explained to the people. That's the way Bishop Breynat explained to the people. They used Bishop Breynat for interpreter in whatever language he can speak. They used interpreters for each community. I believe the fellow's name was Archie Gardiner, he was interpreter for part of it.

Shirleen: For here?

Leo: For here, yes.

Shirleen: Yes, actually I heard that too. Someone named Gardiner.

Sally Tsetso: Yes.

Leo: Yes. He spoke Slavey well and English and was a well-educated guy.

Shirleen: You mentioned that there were 3 leaders before the chiefs were chosen for the Treaty and all that. How were those leaders chosen? How would people choose their leaders then?

Leo: Well, a group of families—there's always five or six families in a group. Whoever is the best hunter, the best at thinking—there's always somebody like that—so they decide, well, he's our head man. So he'd think for everybody and plan for years. But they get together, amongst the men and women and discuss what shall we do for the coming winter—you know, a cold winter, how we prepare our food for the winter, and on and on and on. There's always a leader to decide. Everybody—each household got a man or a woman, whoever is the head of the household—they get together and they say, "Well, this is what we planned. What do you think?" He's got to be a strong man. So my grandfather is one of them. There's quite a few of them. Different families got leaders—up the Liard, up the Mackenzie, and down river. Sally's grandfather, I think, Old Cli, he was one of the leaders.

Sally: Joseph.

Leo: Yes. That's his name, eh? Joseph Cli.

Sally: Joseph Little Doctor Cli.

Leo: Yes. So that's the way they're choosing their leader. And when they pay out the Treaty, they say "Carry on doing what you're doing, but he's the leader, he'll be chief or councilor or headman or whatever you call it." So they stay on that way. So later on, every time they pay the Treaty, they decide whether they should have a band council or whatever. So just by a show of hand, they pick out their leaders. Now, on a piece of paper you vote and so on. In them days, you don't go behind anybody's back, you just face-to-face deal. If you're a leader and you're not doing any good, well they'll tell you and so you step down and somebody else takes over. That's the way it goes, eh.

Shirleen: So those first chiefs they chose, already they were the traditional leaders. It was the same people?

Leo: Yes. They were already the traditional leaders, and then when they paid out the Treaty, they stayed on as leaders.

Shirleen: Yes. What about the elders? What was their role?

Leo: The elders, they are our teachers. The elders—they always got respect for the elders. Even a big leader, he decides to do something, he always contacts the elders. They put their opinion in there, and they say what they think, and is it the right thing to do, the right decision I'm making, and stuff like that. They always go back to the elders.

The women's group, they get together too, but they don't get out in the front and speak. They tell the old man, and the old man is going to bring it up, this is what—they don't say my wife said that—they say this our my home, this is how we feel about this, this is my home. And so on, and so on. And so that's the way it worked together. Simpson is pretty good, you know. Every time a decision making, I remember when I was a kid, I always been dragged there, to make sure I listened to what is going on. So I guess that's the way they taught us, each person used to bring young people in there. But you sat quiet, sit and watched the lesson. So when we've been watching how they making decisions, how they're talking, so I guess that's part of education.

Shirleen: I'll see if there's anything that we've missed at all... Have you been interviewed about the Treaty before?

Leo: No.

Shirleen: No, okay. And can you suggest anybody else to interview?

Leo: Pardon?

Shirleen: Can you suggest anyone else around here to interview that might have some stories? Might be willing to be interviewed?

Leo: Did you try [elder]?

Sally: No, we've been told a few times but he's been pretty busy, eh, so we told him we'd go back there next week.

Leo: He would remember very good because if he's not drinking, he'll be a really good person to, you know if he's sober. His dad—he was with his dad—his dad's right

hand man, that's what he was. So he will remember really good. Did you try Old [elder]?

Sally: She said that she wasn't around.

Leo: She said she wasn't around? Oh yeah, they were at Sambaa K'e, eh?

Sally: She said she was in the bush. She didn't know anything about the Treaty party.

Leo: No, eh.

Sally: She said a woman's place is at home. She said she was taught that a woman's place is at home.

Leo: That's true. And then also she was from Sambaa K'e. In Sambaa K'e people they've been isolated for a long time, until recently. About 20 years now since they started coming into the community. They were really bushed. You know, in the Native way they were smart, but now they're A-OK—they got a satellite dish and everything. (laughs)

Shirleen: Real improvements, eh?...
Do you think the Dene should hold on to the Treaty?

Leo: Yes! Because the Treaty—our Dene right,_ Dene and the land, we belong to one another. When they made out the Treaty, the Treaty didn't come from white people, it came from us. We're Treaty, we belong to the land, the land belongs to us. We can't separate. If they let go of the Treaty, it means to give up your rights. So no person in their right mind will come to you and say "I will be your dog, eh." That's how it looks to me. (laughs)

Shirleen: Yeah, that's putting it well.

Leo: That's the way I look at it, and that's the way a lot of old timers feel, but they're scared to talk. Myself, I'm not scared, I say what I think it is, because it's true. There's no lie in it—I'm not trying to make up a story, I'm not going around the bush. That's the way I see it. And I think we should hang on to our Treaties as long as we can because if we let that go, that's the end of everything. We're not ready to give up anything yet.

Shirleen: Okay, do you give your consent for your interview to be put into writing and used by the Tribal Council for the work that they're doing?

Leo: What's that?

Shirleen: Do you give your consent for the interview to be put into writing, and used by the Tribal Council for the work that they're doing?

Leo: That's okay.

Shirleen: Okay? And is there anything else you'd like to say about the Treaty, or anything related to it?

Leo: No, I don't think so.

Shirleen: If you think of something, you know I'll be around, so you can always add to it.

Leo: You too, just in case something came up, you can come back anytime—if you can find me!

Shirleen: Okay, Yeah, no kidding.
Thank you very much. Mahsi!

Leo: Okay, sure.

END OF INTERVIEW.

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5. Daniel Sonfrere, Hatlohdehechee 1994

Interview Daniel Sonfrere

Interviewed 4 April 1994
Hatlohdehechee

Interpreting and Translation Sarah Lamalice
4 April 1994
Hatlohdehechee

Transcription Shirleen Smith
9 April 1994

Daniel Sonfrere: (speaking in Slavey)

Sarah Lamalice: He didn't know when [?] but his dad told him he was born in Hatlohdehechee .
(speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: He said he had 2 sons, and one died so ... the oldest one died ... the youngest one is still alive.
(speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: He said, I heard from my dad, my uncle. That's the only way he heard how they got their Treaty money. The first 2 times was in Resolution, and the third time was in Hatlohdehechee .

Daniel: (speaking in Slavey)

Sarah: He said, they said that 2 times they got 12 dollars, each person -- he doesn't really know, once or twice, he said.

Daniel: (speaking in Slavey)

Sarah: After that it's 5 dollars.

Daniel: (speaking in Slavey)

Sarah: He said, when they first -- before they got Treaty money in Resolution, they had a meeting about it lots of times before it happened.

Daniel: (speaking in Slavey)

Sarah: He said, they were having a meeting, and people wouldn't take money, because it's for our land, so they didn't want to take the money. It took them 3 days.

Daniel: (speaking in Slavey)

Sarah: He said, you're getting this Treaty money so the government could take care of you guys, not for the land. That's what they told them -- the party [Treaty party] told them.

Daniel: (speaking in Slavey)

Sarah: He said, as long as you're getting this 5 dollars every year, that nobody's going to stop you from hunting, fishing, trapping. You [can] always do that while you're living, and for the medicine, if they're sick, there always will be somebody there to help the people. That's what they promised them.

Daniel: (speaking in Slavey)

Sarah: They told them that all the people, all the Indian people and Eskimos, they'll be looked after really good. That's what they promised the people.

Daniel: (speaking in Slavey)

Sarah: He said, the Bishop was there, and he told the people that this big river, if it flows back and the sun goes back, only then they'll change their word. But as long as the river is flowing the right way and the sun is still going the right way, your promise won't be broken. It will be like that all the time. That's what the Bishop told the people.

Daniel: (speaking in Slavey)

Sarah: They said that when the Bishop spoke to the people and the people told each other that he's using God's words, talking to people, so he wouldn't be lying, because he's working for God. And he's telling the truth. That's what people talked to each other and they said that so ... Three and a half days, that's how long they were talking, and then finally they said okay.

Daniel: (speaking in Slavey)

Sarah: He said, since that time it's -- a hundred years? -- not yet ...

Shirleen: Just about. ... 95 years.

Daniel and Sarah: (speaking in Slavey)

Sarah: Yes 95 years.

Daniel: (speaking in Slavey)

Sarah: He said, for us, our age is 75 years, and we live and even before us, the village wasn't very big, but we live a happy life. We help each other with work a lot and everybody lives happy. Until today, he said.

Daniel: (speaking in Slavey)

Sarah: He said, those days we don't get no ration from anywhere, like welfare, nothing. All we lived on was off the land, like fish, meat, rabbit -- everything that they can get. So they were well off.

Daniel: (speaking in Slavey)

Sarah: He said, in their time, when they were young, [there were] lots of good people, they believe in God and they always prayed. If they had nothing, they prayed and God provides for their needs. And it was really good. Now, if a person's lazy to do anything, the welfare helps them. Some of them, they don't need to get help, but still they get help. That's the way it is nowadays.

Daniel: (speaking in Slavey)

Sarah: He said, those days if people didn't care to help orphans -- like if you lose your mom or your dad -- who's going to help you with food? cook it for you and if you have no moccasins to wear? The people, they like to help each other, so he thanks the people for how they were to them and to others, so that's why I'm sitting here and talking to you guys, he said.

Daniel: (speaking in Slavey)

Sarah: He said, people used to come back, and some of them, they plant gardens and they start eating from the garden in August before they go back. And they used to live a good life. He said, if I'm telling you more stories about that, it makes me think back a long time, so for that story, that's it. But I told him to tell us more about what they think about Treaty, and -- we're going to talk more about that, eh?.

Shirleen: Yes.

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: He said, they're not going to leave their Treaty money. They're just going to hang on to it all the time. That's what they were talking about, that long time ago.

Daniel: (speaking in Slavey)

Sarah: He said, the way they talk at Treaty time, the government people don't want -- the Treaty party, same thing I guess. I don't know what he means there -- way back a

few years ago, they don't want to pay Treaty. They just wanted to stop. But when the first paid Treaty, they told the people that if the sun goes back and the river goes back, only then they're going to change their word. And the sun is still the same and the river's still the same. And people don't want them to sign them to different party, or something like that.

Shirleen: To change the Treaty?

Sarah: Yes, to change the Treaty. They don't what Indian Affairs to be Indian Affairs.

Shirleen: He said that when they talked about the Treaty, it wasn't for the land and hunting and fishing wouldn't change. Was their anything said about someone coming in to boss the Dene?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey) (Ilay)

Sarah: No. Nobody said anything about something like that.

Shirleen: Yes, they didn't agree to that either.

Daniel: (speaking in Slavey)

Sarah: He said, the first time, they picked out the Chief, and he's the head of the band so he's got to look after his people. Whatever he's going to do with somebody like a white person, he's got to get all his band members in together and talk about it. After that, if he's going to help him, he does. So, even for his own, he's always a head of everybody. Whatever's going to be done, they get together and talk about it. That's the way it was.

Shirleen: So the leader had to talk to the people.

Daniel and Sarah: Yes.

Daniel: (speaking in Slavey)

Sarah: He said, now it's not like that. They just pick any council or Chief like that. You have to watch the people. There's lots to be done when you're on council and Chief. So you have to -- when there's meetings or talking like that -- you have to always watch what they're talking about and listen to what they're saying. Just like you're teaching yourself a lot, before you become a councilor. If a person has never been like that, they pick them out and they just don't know what to say. So they should watch which person they pick out.

Shirleen: Does he think there should be some different way of picking leaders now, maybe more like it was before?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: They don't go by voting, they just go by picking out who they think could be a good leader. But the one they're talking about, he's not in the meeting -- just the ones that want to pick out. The person that's being picked out for Chief, he's not in there. But people get together and talk about that person, 2 or 3 and then they pick out -- that's the way they pick a Chief and council. It wasn't by election.

Shirleen: And that was fairer, he feels?

Sarah: Yes.

Daniel: (speaking in Slavey)

Sarah: Nowadays they make elections, but it's the town that's doing that. It's not our way. And our way is just picking out the Chief. That's the way they pick out somebody to be the head man for the band.

Shirleen: Did they have a way, if the Chief was doing things that people didn't like, of changing the Chief?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: Yes. It's up to the people, if they think the Chief is not doing right, they could get together and pick out another Chief.

Daniel: (speaking in Slavey)

Sarah: If the Chief is not doing good for them, they can pick out one of the council and he could take over.

Daniel: (speaking in Slavey)

Sarah: He said, they always pick out somebody that, if somebody's hungry, he could set nets and if people are hungry, he could go hunt. A good person that does good for the people, that's what they're looking for. They don't pick out just -- that would be a good person. They always look at the one that can do something for his people.

Shirleen: Is that something like the kind of person who would have been a leader before they had chiefs? Does he know anything about that?

Sarah: Before the Chief?

Shirleen: Yes, before there was chiefs, before the Treaty -- the leaders, were they like that too?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: He said, lots of hunting and for going in the bush, they always depend on who's the good hunter and who can be the leader for the people. Like, you know, they're always depending on this person to be the head ...

[end tape Side A]

Shirleen: You were saying that before the Treaty happened, people had meetings about it beforehand, that they knew it was going to happen. Right at the beginning he said that. I wonder if he knows any more about that.

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: They said that pretty soon, they're going to change our land -- like how they live. They said some day it's going to happen. They were talking about it.

Shirleen: How did they know that or hear that?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey) [laughs]

Sarah: Well, how did they know? Maybe somehow they heard this through somebody That's what they were talking about.

Daniel: (speaking in Slavey) [laughs]

Sarah: He said, while his dad was still alive, and even before that when he was young, there's no doctors, there's no hospitals, there's no stores. Nothing. I wonder how they lived. My dad never sent me to anywhere to get medicine. There's nothing like that, and it's really something that people, some of them, survive even without medicine. It's kind of, if you thing about it, how could they live like that. He doesn't know.

Daniel: (speaking in Slavey) [laughs]

Sarah: He said, if somebody's feeling bad or sick, like that, they give him a cup of water or something. Sometimes they get better. And I don't know how they're doing that. But even if you guys, there's something wrong with you, I gave you a cup of water, you'd be still sick. [laughs]

Shirleen: [laughs] So we won't come to you!

Sarah: That's true. That's the way people live, eh. If they know somebody who does that to this person in front of you and they get better -- there's still some of that going on like that in different places -- and then a lot of them goes to that person, a lot. Some of them, they give them moose hide with sinew on it -- well, it's not made, a piece of moosehide, enough for moccasins -- and some of them give them cigarettes, a package of cigarettes or two, a white shirt or a scarf. They used to do that, I remember it.

Daniel: (speaking in Slavey)

Sarah: He said, what they were doing is all around us. There's trees, plants along the river banks, lots of them. But we don't work like that; we don't know how. So

there's lots of things that you could use for that, but we don't know how, that's why...

Daniel: (speaking in Slavey)

Sarah: He said, in those days, when old people, some of them know witchcraft, that's what he's talking about. My dad was like that, he had strong witchcraft. I used to sleep with him and everything, but you have to be careful when you're young not to go around with girls too much. If you do those kind of things, like going around with girls when they were young guys, it's hard to get that kind -- witchcraft. So I guess in my days, he said, we were just crazy -- we used to have dances and everything with girls. And that's why we don't know nothing. [general laughter] So what else do you want to say?

Shirleen: I had a question I was trying to remember. Oh well, is there anything else he'd like to say about the Treaty?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: He said, if you're looking for the story that you're going to be writing about it, he said, if we live -- like, if the chief or council gets a message from the government, if he's going to say no or yes, he should get everybody together and talk about it. They should have meetings about it all the time and let everybody know, instead of just, if they say yes, it's just only a few people, that's not good. And if we have meetings about that, and let everybody know what's going to happen, that's the way we live, it would be a better life. But if you just do it on your own, say yes or no to anything, later on it won't be good. That's what he thinks.

Daniel: (speaking in Slavey)

Sarah: He said, the way we are now, the future young people, pretty soon if everything goes the way it is now, pretty soon everybody is going to live like the white people. They wouldn't know how to trap, and everything is just closing on us. That's the way it is now. There's no fur, there's no animals. And they're stopping, in the stores, the Bay, they stop buying fur. It's just like everything is closing on the people, because there's no place to sell your fur and nothing in the bush. So, it's just like everything is closing in on us.

Daniel: (speaking in Slavey)

Sarah: He said, the teachers are teaching the children, and if they think what they used to teach them, and if the kids they don't feel like going to school, they don't have a good education, they're going to be poor for them. Because it's hard for them to get a job. And even some of the kids right now, they are like that. They just quit school in about grade 5, grade 6 or 4. They're lazy, they don't want to go to school, and they can't have a job. That's what he's talking about.

Daniel: Ca? Ca mahsi.

Sarah: You understand that?

Shirleen: Yes.

Sarah: Is it good enough?

Shirleen: Yes. One more thing: is it okay to write out his words and use it for the work the Deh Cho Tribal Council and the band are doing?

Sarah: (speaking in Slavey)

Daniel: (speaking in Slavey)

Sarah: Yes, it's okay.

Shirleen: Okay. Mahsi.

Sarah: She knows Mahsi ...

END OF INTERVIEW.